

# Nebraska State Legislature

**SENATOR LES SEILER**

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**COMMITTEES**

Chairperson - Judiciary  
Transportation and Telecommunications

## **Committee on Justice Reinvestment Oversight**

### **Annual Report**

**September 2016**

LB605 (2015) created the Committee on Justice Reinvestment Oversight as a special legislative committee to maintain continuous oversight of Justice Reinvestment and related issues in Nebraska. Section 50-434 of the Nebraska Revised Statutes requires the Committee to deliver an annual report to the Governor, the Clerk of the Legislature, and the Chief Justice.

This letter and the attached documents will serve as the 2016 report of the Legislature's Justice Reinvestment Oversight Committee (JROC or "the Committee"). This report will outline the current Justice Reinvestment Initiative (JRI) oversight structure and address the question "Is Justice Reinvestment working?"

### **Current Justice Reinvestment Initiative Implementation & Oversight Structure**

The JRI implementation and oversight structure includes three main components:

- Issue Specific Teams, which cover five different topics: County Reinvestment, Data Monitoring, Reentry, Restitution, and Sentencing. The issue teams generally include individuals working at the "ground level" on JRI implementation.

**Attachment D** includes lists of the issue specific team members and the dates on which each team met.

- JRI Steering Committee, which is made up of four individuals: Rosalyn Cotton, Parole Board Chair; Ellen Fabian-Brokofsky, Probation Administrator; Scott Frakes, Director of the Department of Correctional Services; and Corey Steel, State Court Administrator.
- Nebraska Justice Reinvestment Implementation Coordinating Committee (JRICC), which is made up of a broad group of stakeholders from all three branches of Nebraska state government, along with representatives from local government and other interested groups. The JROC members serve as the Legislature's representatives on this committee; see **Attachment D** for a list of all the members.

To coordinate the implementation work, the state hired a JRI Coordinator with funding provided as part of "Phase 2" of the JRI process. The JRI Coordinator, Amy Prenda, works closely with the Council of State Governments Justice Center (CSG), the issue teams, the Steering Committee, the JROC, and all stakeholders. Current funding for the position will end in August 2017.

### **Is Justice Reinvestment working?**

According to CSG's projections from May 2015 (see **Attachment B**), there will be approximately 4,560 people in prison in Nebraska by the end of FY2020 - a significant reduction from the pre-LB605 projected population of 5,581. There will be 300 more people supervised upon release from prison each year. Also by FY2020, CSG has estimated that Nebraska will avoid \$302 million in construction and operations costs, and will reinvest \$33 million in strategies to reduce recidivism.

In the meantime, the data monitoring issue team has worked with CSG to establish a list of metrics to track, and will be compiling that information on an ongoing basis to measure success and to identify issues that may delay implementation. At the December 10, 2015 JRICC meeting, the CSG team presentation included a few examples of the fiscal and public safety impacts that would be measured in the implementation phase. We will know Justice Reinvestment is working if we see:

- An increase in admissions to probation for Class IV felonies.
- An increase in the use of sanctions in lieu of probation and parole revocation.
- A decrease in jam-outs, because of post-release supervision.
- A decrease in jam-outs, because of structured parole guidelines for release decision-making.

According to data sheets provided by CSG in July and August of this year (see **Attachment E**), we are seeing:

- An increase in admissions to probation for Class IV felonies.
- A decrease in admissions to prison for Class IV felonies.
- Probation has started to use custodial sanctions, but it is not clear if revocations are down as a result.
- Parole revocations are down, but we are not sure why; Parole has not yet started using custodial sanctions.
- Post-release supervision has started, but it is not clear if jam-outs have decreased as a result.
- The structured parole guidelines for release decision-making have not yet been completed.

We also know that an immense amount of work has gone into the implementation of LB605 and LB1094. See **Attachment F**, which includes brief updates from each of the JRI Steering Committee members. Also see **Attachment G**, which includes a JRI implementation plan in a spreadsheet format.

## Conclusion

At this point in time, general trends are starting to appear, but it is too soon to say if Justice Reinvestment is or is not working. Researchers are reluctant to say "this is *because of* LB605" - there is not enough data yet to definitively state causality. We should know more by the time the JRICC meets again on October 20, 2016.

The Committee and Committee staff have worked with the JRI Coordinator, Amy Prenda, and with Sara Friedman from the CSG team to compile this report.



Senator Les Seiler (Chair)

Chair, Judiciary Committee

District 33



Senator Kathy Campbell

Chair, Health & Human Services Committee

District 25



Senator Galen Hadley

Speaker

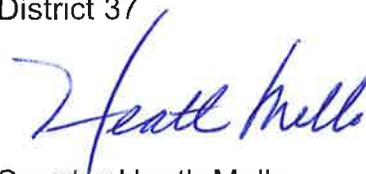
District 37



Senator Bob Krist

Chair, Executive Board

District 10



Senator Heath Mello

Chair, Appropriations Committee

District 5

**2016 JROC Report**  
**ATTACHMENTS**

- A. Glossary
- B. Summary of LB605 (2015)
- C. Summary of LB1094 (2016)
- D. JRICC and issue-specific team members & meeting dates (August 18, 2016)
- E. Data sheets from CSG (July 14, 2016 and August 17, 2016)
- F. Updates from JRI Steering Committee members (August 17, 2016)
- G. JRI implementation plan - spreadsheet (September 1, 2016)
- H. Justice Program Assessment (JPA) presentation slides (June 21, 2016)



**2016 JROC Report**  
**ATTACHMENT A**



**2016 JROC Report**  
**ATTACHMENT A**

**GLOSSARY**

- **CSG:** Council of State Governments Justice Center
  - The Council of State Governments Justice Center (CSG Justice Center or CSG) is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center provides practical, nonpartisan advice and evidence-based, consensus driven strategies to increase public safety and strengthen communities.
- **Day Reporting Center:** see Reporting Center
- **DCS:** see NDCS (Nebraska Department of Correctional Services)
- **EPICS:** Effective Practices in Community Supervision
  - EPICS is an evidence-based model used to train parole and probation officers to translate the risk, needs and responsivity principles into practice in a community supervision context.
- **FY 2016/2017 or FY17:** Fiscal Year 2016 to 2017
  - FY 2016/2017 runs from July 1, 2016 to June 30, 2017.
- **JRI:** Justice Reinvestment Initiative
  - Since 2010, the U.S. Department of Justice's Bureau of Justice Assistance (BJA) has supported the Justice Reinvestment Initiative, which has assisted state and local governments as they generate cost-effective, evidence-based policies to produce meaningful cost savings for states while maintaining a focus on public safety. In a public-private partnership with The Pew Charitable Trusts, BJA provides technical assistance and financial support for these system-wide criminal justice reform efforts.
- **JRICC:** Justice Reinvestment Implementation Coordinating Committee
  - See **Attachment D** for a list of Nebraska stakeholders who are JRICC members.
- **JPA:** Justice Program Assessment
  - The Justice Program Assessment (JPA) is a model used by the CSG Justice Center to analyze recidivism reduction program impacts. The JPA system analysis in Nebraska began in November 2015, and was completed in May 2016. See

**Attachment H**, which includes slides from CSG's June 21, 2016 presentation on Nebraska's JPA process.

- **JROC**: Justice Reinvestment Oversight Committee
  - See cover letter and **Attachment D** for names of the Senators who are members of the Legislature's Committee on Justice Reinvestment Oversight.
- **LB605**: LB605 (2015)
  - To address challenges with prison overcrowding and increased spending on corrections, Nebraska policymakers enacted Legislative Bill (LB) 605, which expands the use of probation in lieu of incarceration, ensures that more people receive supervision upon release from prison, and bolsters supervision practices to reduce recidivism. The bill was signed on May 27, 2015, and took effect on August 30, 2015. See **Attachment B** for a summary of LB605 compiled by CSG in May, 2015.
- **LB1094**: LB1094 (2016)
  - LB1094 was introduced by the Judiciary Committee in 2016 as a "clean up" bill to LB605 (2015). The primary purpose of LB1094 was to assist with the smooth implementation of the Justice Reinvestment Initiative; the bill did not make any substantive shift in the course of the JRI policies. The bill was signed on April 19, 2016, and took effect on April 20, 2016. See **Attachment C** for a summary of LB1094.
- **LS/CMI**: Level of Service/Case Management Inventory
  - The Level of Service/Case Management Inventory (LS/CMI) is an assessment that measures the risk and need factors of late adolescent and adult offenders.
- **NCJR**: Nebraska Center for Justice Research
  - The Nebraska Center for Justice Research (NCJR) is a multidisciplinary research center. The mission of the NCJR is to develop and sustain research capacity internal to the State of Nebraska, assist the Legislature in research, evaluation, and policy-making to reduce recidivism, promote the use of evidence-based practices in corrections, and improve public safety. NCJR was previously known as the Consortium for Crime and Justice Research, a research unit within the UNO College of Public Affairs and Community Service. The Juvenile Justice Institute (JJI) is part of the NCJR and serves as the research arm for Nebraska's juvenile justice system.

- **NDCS:** Nebraska Department of Correctional Services
- **UNO Center for Justice Research:** see NCJR
- **Parole:**
  - Release to parole supervision is a discretionary decision made by the Board of Parole after the individual has served his or her minimum sentence in prison, minus good time reductions. The Adult Parole Administration is responsible for supervising individuals released from prison to parole supervision. The Adult Parole Administration was a division of NDCS until July 1, 2016, when it moved under the Board of Parole.
- **Probation:**
  - Probation is a sentencing option for people convicted of misdemeanors and felony offenses not subject to mandatory minimum sentences. The Office of Probation Administration, which is overseen by the Nebraska Supreme Court, is responsible for the certification, training, and oversight of adult probation officers as well as the state's juvenile probation system. County governments provide workspace for probation officers. Community Based Intervention (CBI) is the most intensive supervision level. Below CBI, there are multiple risk- and need-based Community Based Resource (CBR) supervision levels, followed by administrative probation, which is the least intensive level of supervision.
- **PRS:** Post-release supervision
  - Post-release supervision means the portion of a split sentence following a period of incarceration under which a person found guilty of a crime is released by a court subject to conditions imposed by the court. Individuals subject to PRS are supervised by the Office of Probation Administration. Prior to LB605, post-release supervision was not a sentencing option in Nebraska.
- **Reporting Center (or Day Reporting Center):**
  - The Office of Probation Administration funds and operates reporting centers and service centers throughout the state for people on probation, participating in problem-solving courts, or on parole supervision. Reporting centers across the state offer evidence-based services, such as cognitive behavioral treatment, and classes on financial management, domestic violence, parenting, and other topics. Service centers across the state offer similar, but more limited, rehabilitative services in geographic areas not served by reporting centers.

- **SSAS:** Specialized Substance Abuse Supervision
  - SSAS is a structured treatment program overseen by the Office of Probation Administration that provides intensive supervision to probationers and parolees with a felony drug conviction, who score high or very high on the LS/ CMI and have substance use treatment needs. Judges and the Board of Parole may recommend that individuals receive SSAS, but the Office of Probation Administration ultimately determines who receives SSAS based largely on results of the LS/CMI assessment.
- **STRONG-R:** Static Risk and Offender Needs Guide-Revised
  - The Static Risk and Offender Needs Guide-Revised (STRONG-R) is a risk and needs assessment/supervision planning system for adult offenders incarcerated in a NDCS correctional facility.

**2016 JROC Report**  
**ATTACHMENT B**



# Nebraska's Justice Reinvestment Approach:

## Reducing prison overcrowding and expanding probation and parole supervision



MAY 2015

### Overview

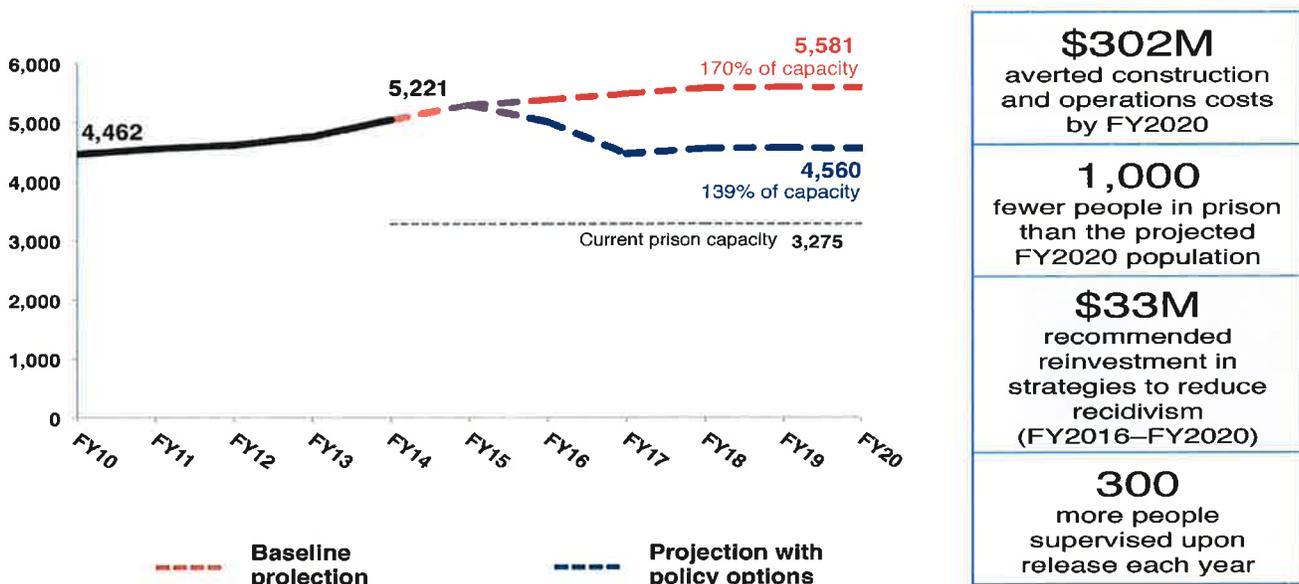
Nebraska's prisons are overcrowded, prison admissions are outpacing releases, and spending on corrections has increased substantially over the past decade. Moreover, many people leave prison without supervision, and those who do receive supervision upon release are overseen by a system that struggles to effectively monitor its parole population.

To address these challenges, Nebraska policymakers from across the political spectrum enacted Legislative Bill (LB) 605, which expands the use of probation in lieu of incarceration, ensures that more people receive supervision upon release from prison, and bolsters supervision practices to reduce recidivism. Signed on May 27, 2015, the law was the result of "justice

reinvestment," a data-driven approach designed to reduce corrections spending and reinvest a portion of savings in strategies that reduce recidivism and increase public safety. LB 605 is expected to ease Nebraska's prison overcrowding—reducing the projected prison population by 1,000 people—and ensure that an additional 300 people per year are supervised upon release from prison. [See Figure 1]

The state received intensive technical assistance from the Council of State Governments (CSG) Justice Center, in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance (BJA). With continued support, Nebraska leaders are now working to implement the legislation and track the impact of these new policies.

**FIGURE 1. PROJECTED IMPACT OF LB 605 ON NEBRASKA'S PRISON POPULATION<sup>1</sup>**



SUMMARY

## Summary of the Justice Reinvestment Process

### CHALLENGE

Nebraska's prisons are overcrowded, with facilities at 159 percent of capacity as of December 2014.<sup>2</sup> From FY2004 to FY2013, corrections spending increased 20 percent from \$131 million to \$157 million, and the prison population grew 19 percent during the same period.<sup>3</sup> The Nebraska Department of Correctional Services (NDCS) forecast showed that the prison population would increase 7 percent by FY2020, from 5,221 people (159 percent of capacity) to 5,581 people (170 percent of capacity).<sup>4</sup> A state proposal released in October 2014 estimated a cost of \$262 million to add 1,100 beds to Nebraska's prison systems.<sup>5</sup>

### FINDINGS

In June 2014, the state established the bipartisan, interbranch Justice Reinvestment Working Group to study Nebraska's criminal justice system. The 19-member working group found that (1) Nebraska's overcrowded prisons house a large number of people convicted of nonviolent, low-level offenses; (2) the state's felony sentencing system fails to ensure that people sentenced to prison receive a sufficient amount of post-release supervision or pay victim restitution; and (3) the parole supervision system has not fully adopted evidence-based practices and lacks the resources necessary to handle a growing parole population. To address these challenges, the working group recommended that a justice reinvestment policy framework be translated into legislation.



*“Our goal is to improve our approach to justice by ensuring meaningful supervision and holding offenders more accountable. This package puts Nebraska’s system on the right course for the future and our public safety.”*

— GOVERNOR PETE RICKETTS



*“This set of reforms can reduce the pressures on our system in ways that maximize our resources and ultimately strengthen public safety for all Nebraskans.”*

— SENATOR HEATH MELLO

### SOLUTIONS

Sponsored by Senator Heath Mello and co-sponsored by Senators Bob Krist and Les Seiler, LB 605 codifies the justice reinvestment policy framework developed by the working group.<sup>6</sup> This legislation includes policies to use probation for people convicted of low-level offenses, ensure post-release supervision for most people upon release from prison, improve parole supervision, and address victims' needs. LB 605 passed unanimously with a vote of 45–0 in the Nebraska Unicameral Legislature. To support implementation of the justice reinvestment legislation, the state made upfront investments of \$3.2 million for FY2016 and \$12.1 million for FY2017 for additional probation officers, community-based programs and treatment, improvements to parole supervision, quality assurance measures, and financial assistance to county jails.

## Summary of LB 605 Policies

### Use probation rather than incarceration for people convicted of low-level offenses, and increase penalty thresholds for property offenses.

- Use probation, rather than prison or jail, for people convicted of nonviolent, low-level offenses.
- Prioritize probation resources for felony probationers who are at the highest risk of reoffending.
- Respond to major probation violations with short periods of incarceration, followed by continued probation supervision.
- Require that misdemeanor sentences calling for incarceration be served in jail rather than prison.
- Update property offense penalty thresholds to account for inflation.

### Enhance felony classifications, ensure post-release supervision for most people upon release from prison, and address victims' needs.

- Reclassify felonies according to whether they involve violence and/or are sex offenses to ensure that more serious offenses are clearly distinguished from lower-level nonviolent offenses.
- Sentence people convicted of the lowest-level felony offense classes (Class III, IIIA, and IV) to periods of incarceration followed by post-release supervision.
- Adopt Nebraska Parole Board guidelines to place more people on parole supervision from all other felony classes (Class IA–D, II, and IIA).
- Enhance collection of victim restitution from people sentenced to prison.

### Improve parole supervision to reduce recidivism.

- Adopt a risk assessment tool to assess parolees' risk of reoffending.
- Adopt evidence-based practices in parole supervision to change criminal thinking and behavior.
- Respond to parole violations with swift, consistent, and proportionate sanctions.
- Respond to major parole violations with short periods of incarceration followed by resumed supervision.

## Looking Ahead

Although the projected impact of LB 605 is significant, Nebraska's prison population is expected to continue to far exceed its capacity, even with the successful implementation of this bill. Additional policy changes and/or increasing prison capacity will be necessary to further reduce prison overcrowding.

Implementing LB 605 will require continued bipartisan, interbranch support. State agencies, including the Office of Probation Administration (OPA), the Supreme Court, NDCS, and the Parole Board, will need to engage in administrative rulemaking to establish procedures for implementing various aspects of LB 605.

*"We in the judicial branch look forward to working with the legislature, governor, and other Nebraskans in implementing the justice reinvestment strategies."*

— CHIEF JUSTICE  
MICHAEL HEAVICAN



The Supreme Court and OPA will develop procedures for transitioning probationers to lower levels of supervision intensity before discharging them, when appropriate; they will also establish a prompt court review process for imposing sanctions of short periods of incarceration for serious probation violations. The state court administrator, OPA, and NDCS will develop rules to facilitate the implementation of policies regarding restitution collection, reentry planning for people who are to receive post-release supervision, and incorporating custodial sanctions in the current violation and rewards matrices. Additionally, the Parole Board, in consultation with NDCS, will adopt and promulgate

rules and regulations to reduce the number of people who reach their maximum prison sentence and return to the community unsupervised.

The CSG Justice Center will continue to work with officials from across Nebraska's criminal justice system to assist in implementing the new policies and tracking their outcomes. The state has the opportunity to request funding from BJA to support additional capacity-building efforts, such as workforce training, enhancing data collection and performance measurement, and efforts to ensure the proper implementation of evidence-based practices.

## Sustainability Policies in LB 605

The Justice Reinvestment Working Group identified additional policies to assess, track, and ensure the sustainability of the recidivism-reduction strategies outlined in the policy framework. LB 605 includes the following policies:

- Establish an oversight committee to assess on an ongoing basis the impact of provisions of LB 605.
- Evaluate the quality of prison- and community-based programs and use results to improve outcomes.
- Track and report restitution collection within OPA and NDCS.
- Launch a process for reaching agreement between county governments and the state on sharing overhead costs associated with probation operations.<sup>7</sup>
- Enable academic institutions and state agencies to access Nebraska State Patrol criminal history data for research purposes.<sup>8</sup>

## Endnotes

1. Abby L. Vandenberg, NDCS Design Capacity and Average Daily Population—FY1982–FY2023.
2. Nebraska Department of Correctional Services (NDCS), *December 2014 Monthly Data Sheet* (Lincoln: NDCS, December 31, 2014).
3. 98th Legislature, *State of Nebraska FY2003–04/FY2004–05 Biennial Budget* (Lincoln: Legislative Fiscal Office, August 2003); 103rd Legislature, *State of Nebraska FY2013–14/FY2014–15 Biennial Budget* (Lincoln: Legislative Fiscal Office, August 2013); NDCS, *FY2004 Annual Report and Statistical Summary* (Lincoln: NDCS, 2004); NDCS, *FY2013 Statistical Report* (Lincoln: NDCS, 2013).
4. NDCS, *December 2014 Monthly Data Sheet*; Abby L. Vandenberg, NDCS, *Design Capacity and Average Daily Population: FY1982–FY2023* (Lincoln: NDCS, July 24, 2014). The prison population has been projected to grow from 5,221 people at the end of December 2014 to 5,581 people by FY2021.
5. NDCS, Dewberry, and Carlson West Povondra Architects, *2014 Master Plan Report* (Lincoln: NDCS, October 27, 2014); Legislative Bill 237, which would appropriate almost \$262 million to fund the master plan, was introduced in 2015 but did not advance.
6. Additional information is available in the CSG Justice Center's report, "Justice Reinvestment in Nebraska: Analysis and Policy Framework." The full report is available at [csgjusticecenter.org/jr/ne/](http://csgjusticecenter.org/jr/ne/).
7. Neb. Rev. Stat. § 29-2259(4)-(5) requires county governments to provide probation officer workspace.
8. The CSG Justice Center was unable to access criminal arrest data for analysis purposes because of confidentiality restrictions contained in Neb. Rev. Stat. § 29-3523.



This project was supported by Grant No. 2013-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit [bja.gov](http://bja.gov).



Research and analysis described in this report has been funded in part by the public safety performance project of The Pew Charitable Trusts. Launched in 2006, Pew's public safety performance project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. To learn more about the project, please visit [pewtrusts.org/publicsafety](http://pewtrusts.org/publicsafety).



The CSG Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in justice reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven analyses and policy options to policymakers in 21 states. For additional information about Justice Reinvestment in Nebraska, please visit [csgjusticecenter.org/jr](http://csgjusticecenter.org/jr).

**2016 JROC Report**  
**ATTACHMENT C**



**2016 JROC Report  
ATTACHMENT C**

**Summary of LB 1094 (2016)**

LB 1094 was introduced by the Judiciary Committee in 2016 as a “clean up” bill to LB 605 (2015), which enacted the changes recommended by the Council of State Governments Justice Center (CSG) as part of Phase One of the Justice Reinvestment Initiative (JRI). Nebraska is currently receiving technical assistance from CSG for Phase Two of JRI, which is the implementation phase.

The primary purpose of LB 1094 was to assist with the smooth implementation of Justice Reinvestment in Nebraska. The bill did not make any substantive shift in the course of the JRI policies.

LB 1094 addressed a few areas where some “clean-up” was needed:

- Clarify the process for responding to probation violations, which included:
  - clarifying terms and defining new terms;
  - clarifying the procedures for imposing custodial sanctions for probationers;
  - distinguishing between misdemeanor and felony probation processes;
  - distinguishing the process for probation *revocation* hearings from the process for *custodial sanctions* hearings; and
  - clarifying when a hearing is required before a custodial sanction may be imposed.

- Clarify the procedures for custodial sanctions for parolees, by clarifying terms and defining a new term.
- Clarify the distinction between parole and post-release supervision, and eliminate the possibility of overlap.
- Update several penalties, to clarify language and to eliminate inconsistencies inadvertently created by LB 605.
- Restore the possibility of jail time as a condition of felony probation, in limited circumstances, and clarify that work release is an option for individuals serving jail sanctions, when appropriate.
- Several “technical changes”, including:
  - clarifying when the changes are intended to apply retroactively, and when they are not;
  - changing report requirement dates to align with the fiscal year, and changing a deadline to ensure smooth implementation of changes; and
  - several changes to update internal references.

The final version of LB 1094 also included six sections that were originally introduced as LB 910 (2016). These sections clarified provisions relating to the Parole Board, Parole Administration, and Department of Correctional Services, and were not directly a result of the JRI process.

LB 1094 was signed on April 19, 2016, and took effect on April 20, 2016.

**2016 JROC Report**  
**ATTACHMENT D**



**2016 JROC Report  
ATTACHMENT D  
Updated August 28, 2016**

**JRICC and issue-specific team members & meeting dates**

**Nebraska Justice Reinvestment Implementation Coordinating Committee members**

*Pete Ricketts	Governor, State of Nebraska
Rosalyn Cotton	Chair, Board of Parole
Darrell Fisher	Executive Director, Crime Commission
Mike Foley	Lieutenant Governor, State of Nebraska
Scott Frakes	Director, Department of Correctional Services
*Galen Hadley	Speaker, Nebraska Legislature
Kathy Campbell	Health and Human Services Committee Chair, Nebraska Legislature
Bob Krist	Executive Board Chair, Nebraska Legislature
Heath Mello	Appropriations Committee Chair, Nebraska Legislature
Les Seiler	Judiciary Committee Chair, Nebraska Legislature
*Michael Heavican	Chief Justice, Nebraska Supreme Court
John Colborn	District Court Judge, 3rd District
Leo Dobrovolny	District Court Judge, 12th District
Ellen Fabian-Brokofsky	Probation Administrator, Office of Probation Administration
Corey Steel	State Court Administrator, Administrative Office of the Courts
Mark Foxall	Director, Douglas County Department of Corrections
Joe Kelly	Lancaster County Attorney
Donald Kleine	Douglas County Attorney
Greg London	Chief Deputy, Sarpy County Sheriff's Office
Joseph Nigro	Lancaster County Public Defender
Doug Peterson	Attorney General, State of Nebraska
Gerard Piccolo	Hall County Public Defender
Thomas Riley	Douglas County Public Defender

\* indicates co-chairs

**Nebraska Justice Reinvestment Implementation Coordinating Committee (JRICC)  
meeting dates: 12/10/2015**

### County Reinvestment Team members

Chris Sweney	Douglas County Department of Corrections
Deb Schorr	Lancaster County - Commissioner
Denny Macomber	Crime Commission - Jail Standards
Doug Koebernick	Nebraska Legislature
Elaine Menzel	Nebraska Association of County Officials
Gene Cotter	Nebraska State Probation
Greg London	Sarpy County Sheriff's Office
Jeff Beaty	Department of Correctional Services
Jerome Kramer	Lincoln County Sheriff's Office
Joe Nigro	Lancaster Public Defender's Office
Laurie Holman	Crime Commission - Community Corrections
Linda Krutz	Crime Commission - Community Corrections
Mark Foxall	Douglas County Department of Corrections
Michael Overton	Crime Commission
Mike Jones	Sarpy County Corrections - Director
Neil Miller	Buffalo County Sheriff's Office
Patricia Sattler	Attorney General's Office - VOCA Grant Coordinator
Ron Broich	Nebraska State Probation
Roy Kramer	Lincoln County Sheriff's Office
Sean Eatherton	Buffalo County Attorney's Office

**County Reinvestment Team meeting dates:** 9/3/2015; 1/21/2016; 3/3/2016

### Data Monitoring Team members

Abby Carbaugh	Department of Correctional Services
Denny Macomber	Crime Commission - Jail Standards
Doug Koebernick	Inspector General
Jane E. Sutherland	Supreme Court
Jennifer Rasmussen	Supreme Court
Linda Krutz	Crime Commission - Community Corrections
Marv Overman	Supreme Court
Michael Overton	Crime Commission
Michelle Patterson	Domestic Violence Council
Pat Condon	Lancaster County Attorney's Office
Rick Hixson	Administrative Office of Probation
Ryan Spohn	Nebraska Center for Justice Research
Sarah Carstensen	Hall County Attorney's Office

**Data Monitoring Team meeting dates:** 7/22/2015; 8/6/2015; 8/21/2015; 9/9/2015; 9/30/2015; 11/3/2015; 12/15/2015; 1/20/2016; 3/23/2016; 7/27/2016

### Reentry Work Group members

Abby Carbaugh	Department of Correctional Services
Anne Hansen	Adult Parole Administration
Dawn Renee Smith	Department of Corrections
Dean Rohwer	Administrative Office of Probation-Navigator
Diane Sabatka-Rine	Department of Correctional Services
Gene Cotter	Administrative Office of Probation
Grace Sankey-Berman	Department of Correctional Services
Jennifer Kisela	CSG Justice Center
Jennifer Miller	Adult Parole Administration
Jeremy Behrends	Administrative Office of Probation-Navigator
Julie Micek	Board of Parole/Adult Parole Administration
Kathy Foster	Department of Correctional Services
Layne Gissler	Department of Correctional Services
Lisa Jones	Department of Correctional Services
Michael Rothwell	Department of Correctional Services
Mickie Baum	Department of Correctional Services
Randy Kohl	Department of Correctional Services
Shane Stutzman	Administrative Office of Probation
Teresa Bittinger	Board of Parole
Tyson Jenkins	Nebraska Supreme Court

**Reentry Work Group meeting dates:** 7/23/2015; 8/12/2015; 8/19/2015; 8/26/2015; 9/3/2015; 9/22/2015; 10/23/2015; 11/30/2015; 1/11/2016; 3/7/2016; 4/5/2016; 5/11/2016; 6/14/2016; 8/15/2016

### Restitution Team members

Bart Moore	Nebraska Department of Correctional Services
Bruce Prenda	Lancaster County Attorney's Office
Charles Venditte	Douglas County Attorney's Office
Doug Koebernick	Inspector General for Corrections
Eric Asboe	Nebraska Supreme Court
Inga Hookstra	Nebraska Department of Correctional Services
Jeff Beaty	Nebraska Department of Correctional Services
Jennifer Rasmussen	Supreme Court
Joe Nigro	Lancaster Public Defender's Office
Karen Foster	Administrative Office of Probation
Kenneth Quinn	Adult Parole Administration
Michael Nehe	Administrative Office of Probation
Paula Crouse	Supreme Court
Rhonda Rolles	Douglas County Victim Assistance Unit
Toni Jensen	Nebraska Wesleyan
Web Bancroft	Lancaster County Public Defender's Office

**Restitution Team meeting dates:** 9/3/2015; 9/28/2015; 11/17/2015; 12/17/2015; 2/22/2016; 3/30/2016; 6/27/2016; 8/19/2016 (final meeting)

### Sentencing Team members

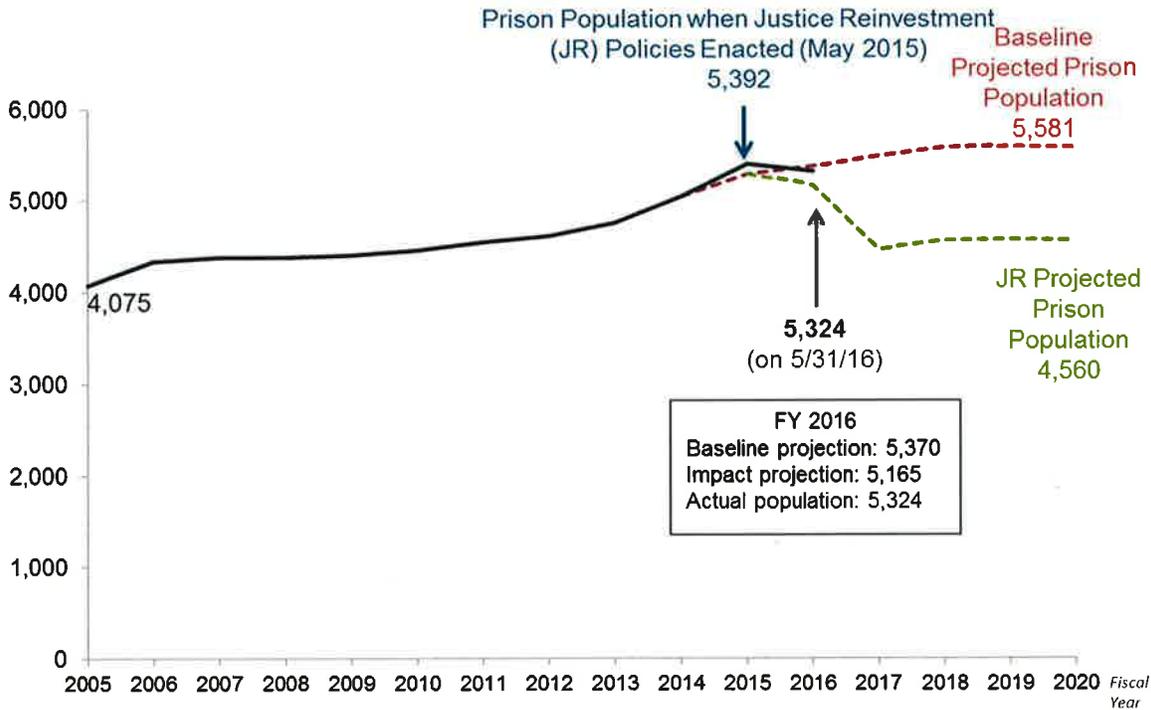
Christopher "Spike" Eickholt	Brennan & Nielsen Law Offices
Corey Steel	Nebraska Administrative Office of the Courts
Dave Bydalek	Nebraska Attorney General's Office
Deb Minardi	Administrative Office of Probation
Diane Amdor	Nebraska Legislature
Doug Koebernick	Inspector General of the Nebraska Correctional System
Eric Asboe II	Nebraska Supreme Court
Gene Cotter	Administrative Office of Probation
Jane Sutherland	Nebraska Supreme Court
Jeff Beaty	Nebraska Department of Correctional Services
Jennifer Rasmussen	Supreme Court
Joe Nigro	Lancaster Public Defender's Office
John Colborn	District Court Judge, 3rd District, Lancaster County
Julie Micek	Board of Parole/APA
Nicole Miller	Board of Parole/APA
Patricia Sattler	Attorney General's Office
Sarah Carstensen	Hall County Attorney's Office
Tricia Freeman	Sarpy County Attorney's Office

**Sentencing Team meeting dates:** 9/9/2015; 1/5/2016; 1/14/2016; 3/4/2016; 5/17/2016

**2016 JROC Report**  
**ATTACHMENT E**

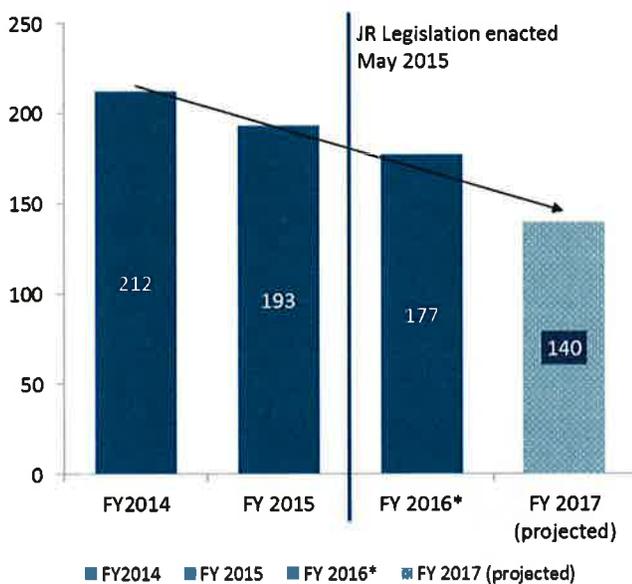


**I. Nebraska's prison population has fallen by 68 people since May 2015.<sup>1</sup>**

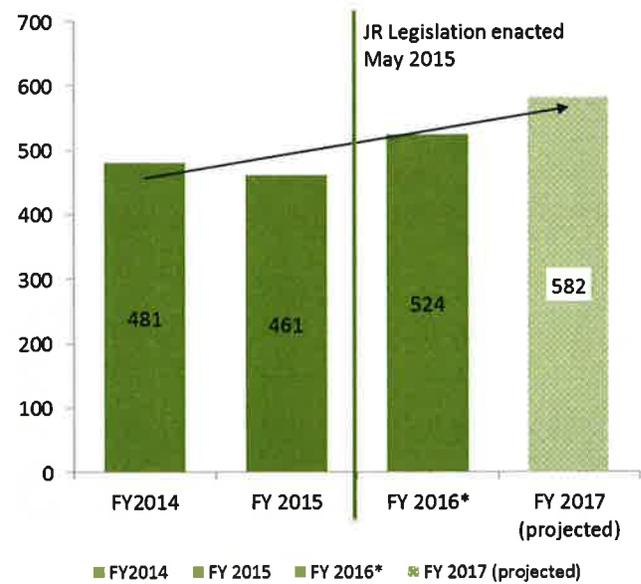


**II. Monthly admissions to NDCS have begun to decline while monthly placements to felony probation have increased.<sup>2</sup>**

**Average Monthly Sentences to Prison:**  
FY 2014 – FY 2017



**Average Monthly Sentences to Probation:**  
FY 2014 – FY 2017



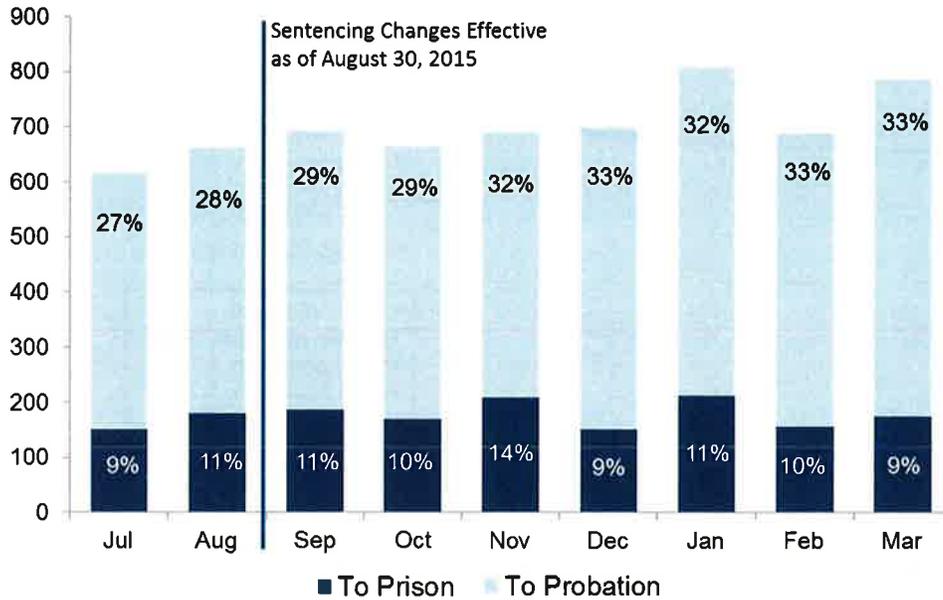
*\*Estimate of FY 2016 based on 9 months of sentencing data*

<sup>1</sup> Source: Projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include state-sentenced inmates housed in county jails. The May 2016 population figure was provided in an email by A. Carbaugh/NDCS on 6.21.2016.

<sup>2</sup> Source: Crime Commission, "PackageReport\_JUSTICE\_WithPSC\_Share\_06212016.pdf"/Preliminary findings

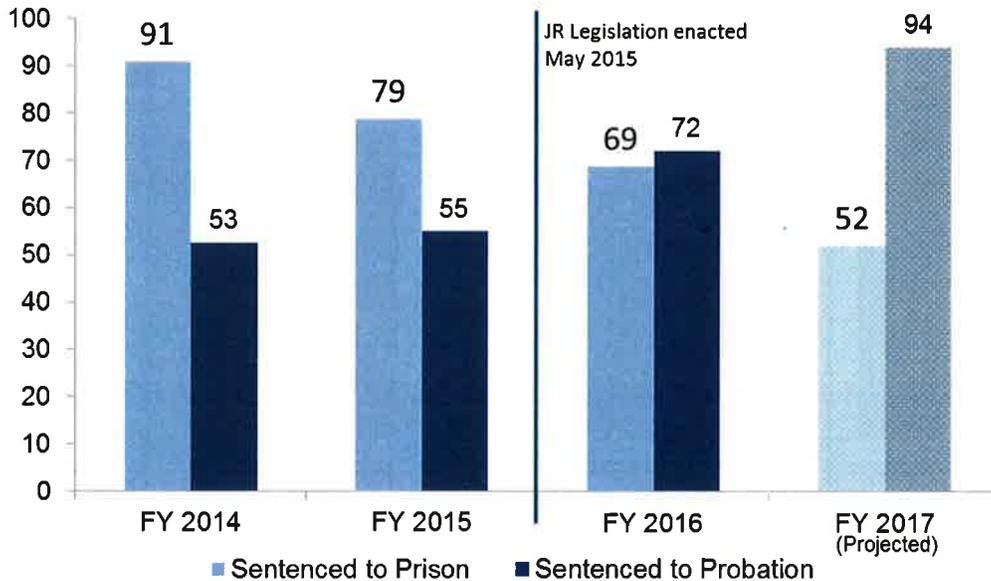
**III. FY 2016 trends show increasing use of probation since LB 605's effective date.<sup>3</sup>**

**Monthly Sentences by Type of Disposition:**  
 September 2015 – March 2016



**IV. FY 2016 is the first year in which sentences to probation for F4 offenses exceeded sentences to prison.<sup>4</sup>**

**Average Monthly Sentences for Felony 4 Offenses:**  
 FY 2014 – FY 2017

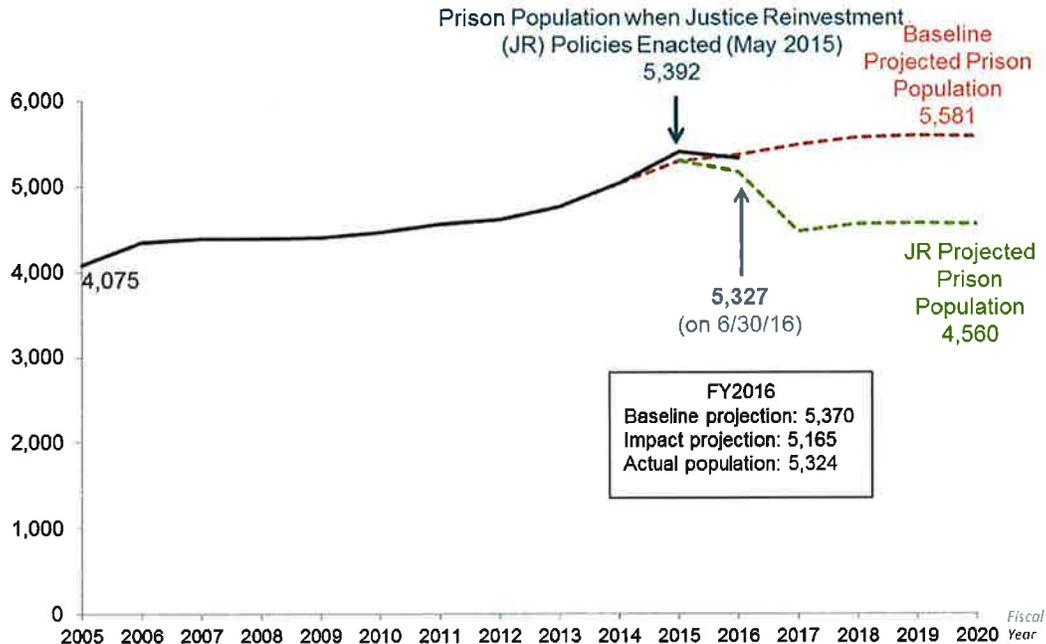


*\*Estimate of FY 2016 based on 9 months of sentencing data*

<sup>3</sup> Revocations to jail or prison are not included in sentencing trends; only initial dispositions have been shown. Source: Crime Commission, "PackageReport\_JUSTICE\_WithPSC\_Share\_06212016.pdf"/Preliminary findings.

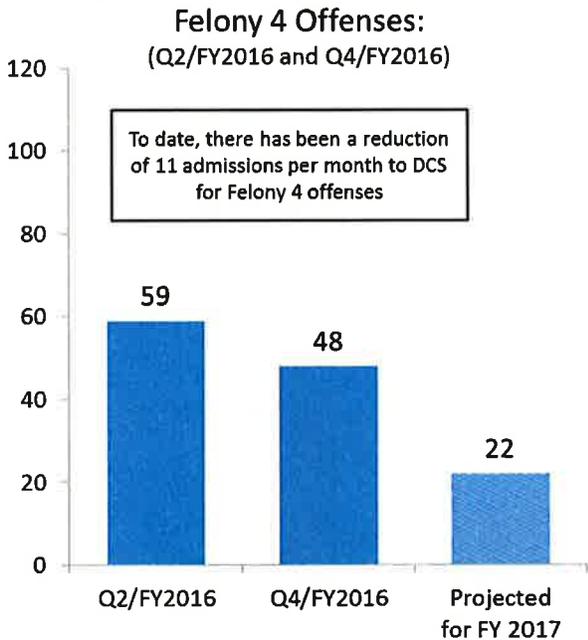
<sup>4</sup> Source: Crime Commission, "PackageReport\_JUSTICE\_WithPSC\_Share\_06212016.pdf"/Preliminary findings

**I. Nebraska's prison population has started to decline, falling by 65 people since May 2015.<sup>1</sup>**

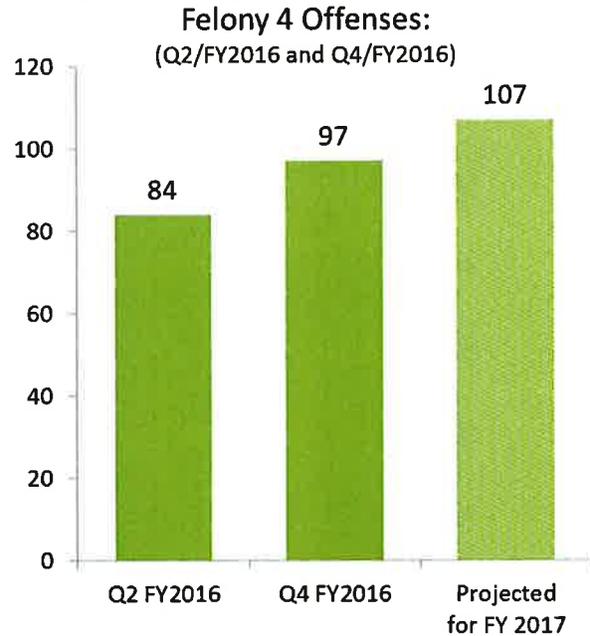


**II. Monthly admissions to NDCS have begun to decline while monthly placements to felony probation have increased.<sup>2</sup>**

**Average Monthly Admissions to Prison**



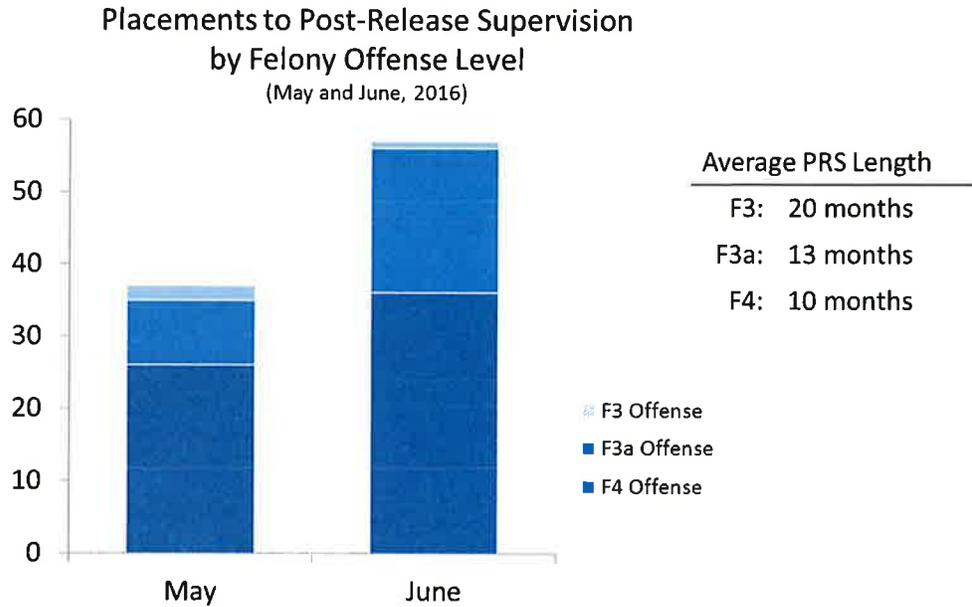
**Average Monthly Placements to Probation**



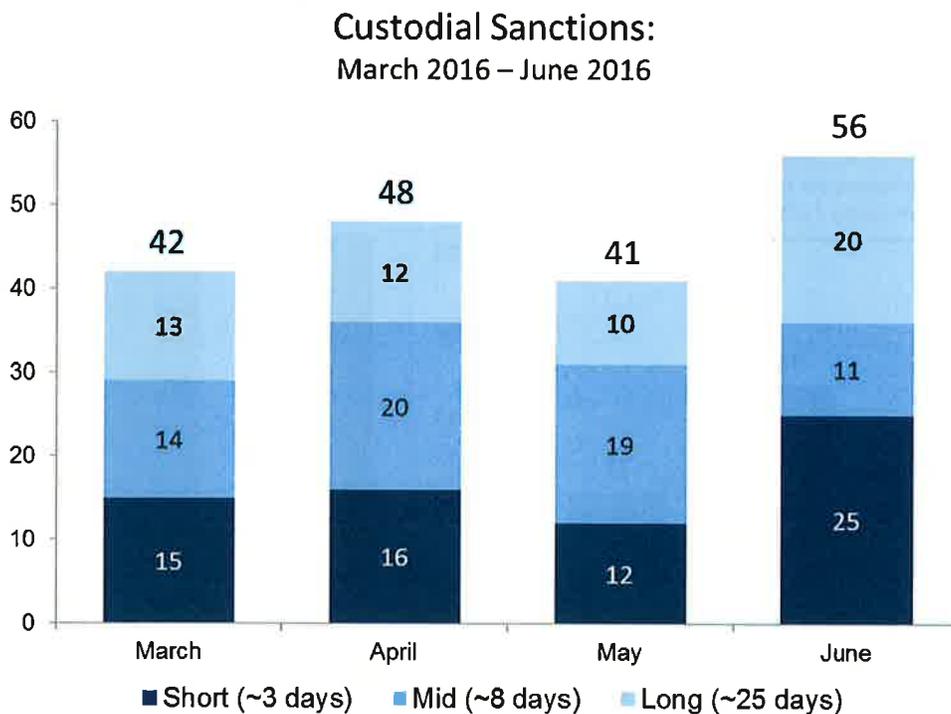
<sup>1</sup> Source: Projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include state-sentenced inmates housed in county jails. The June 2016 population figure was provided in an email by A. Carbaugh/NDCS on 8.15.2016.

<sup>2</sup> Source: Department of Correctional Services, Monthly report to CSG, "2016-07-14 – NDCS Monthly Extract.xlsx"

**III. The last two months of FY 2016 saw the first placements to post-release supervision for LB 605 eligible offenses.<sup>3</sup>**



**IV. Probation has been responding to violations with custodial sanctions. This should reduce the number of full probation revocations in upcoming months.<sup>4</sup>**



<sup>3</sup> Source: Administrative Office of Probation, Monthly reports to CSG, "Phase 2 Data Tracking jun2016.xlsx"

<sup>4</sup> Source: Administrative Office of Probation, Monthly reports to CSG, "Phase 2 Data Tracking jun2016.xlsx"

**2016 JROC Report**  
**ATTACHMENT F**



The following is a brief summarization from the Administrative Office of the Courts and Probation since passage of LB605 and LB1094. This document was created at the request of the Council of State Governments (CSG) to serve as a legislative update. It should be noted that it is difficult to concisely articulate the depth of the work accomplished by the Judicial Branch over a two year period into a brief synopsis. Readers are encouraged to direct questions or concerns back to the Administrative Office for more details.

**Action Steps Completed:**

1. Supreme Court Probation Services Committee formulated, recommended, and submitted draft rules to be adopted by the Supreme Court concerning post-release supervision, custodial sanctions, interstate compact, and probation early discharge.
2. Changes have been made in Court (JUSTICE) and Probation (NPACS) IT systems surrounding penalties. (LB605)
3. Analyzed, authorized, hired, and trained round one staffing allocations effective January 1, 2016.
4. Created and hired new administrative Navigator positions which serve as the conduit for client reentry between DCS, Parole, and Probation Districts.
5. Developed and trained on legislative impact points to Judges and Court and Probation Staff. (LB605)
6. Completed re-validation studies through UNL-Dept. of Psychology and Law on Probation's primary risk assessment instrument, Level of Service Case Management Inventory (LS/CMI).
7. Supreme Court approved and adopted new court rules concerning custodial sanctions, early release, post-release supervision, and interstate compact.
8. Developed and implemented complimentary Probation policy, procedure, protocols, and forms for the implementation of Supreme Court Rules and LB605 Legislation.
9. New Reporting Centers – (Hastings, North Platte, Omaha, Lincoln, Beatrice) Acquired locations, hired and trained staff, entered into rehabilitative service contracting, and opened for service.
10. Added new contractual services in reporting centers for Dialectical Behavioral Therapy (DBT) as an evidenced-based cognitive behavioral therapy program directed at individuals at highest risk to reoffend.
11. Submission of a collaborative BJA grant with DCS and Douglas County Corrections to address transitional housing needs for individuals coming out of an institutional setting.
12. Created safe and secure transportation options for post-release supervision individuals returning to the community.
13. Created, trained, and implemented a new incentive administrative and custodial sanction matrix per statute. Note: Very few additional court hearings have been requested as a result of the established court rule, policy, and process developed.
14. Supreme Court approval revised court rules concerning custodial sanctions (resulting from LB1094).
15. Modified and implemented probation policy (which can now be accessed online), procedure, protocols, and forms for the revised Supreme Court Rules and LB1094 Legislation.
16. Streamlined the process for electronically sharing presentence investigations with DCS and Parole.

**In  
progress:**

1. Continue research on validation of programs available in reporting centers through UNL-Dept. of Psychology and Law.
2. Analyzed and authorized round two staffing allocations effective July 1, 2016 – Hiring in progress.
3. Expanded programming specifications and definitions to accommodate larger target population for the pre and post sentencing alternatives: Specialized Substance Abuse Supervision, Reframe, and Transitional Intervention Program.
4. Making changes in the Court (JUSTICE) and Probation (NPACS) IT systems surrounding penalties. (LB1094)
5. Developed and currently training on legislative impact points (LB1094) to Judges and Court and Probation Staff across the State of Nebraska.

**Barriers:**

1. The reduced budget allocation over the first year of implementation, along with concerns of funding reductions in the future, will likely jeopardize full Justice Reinvestment implementation, impact high risk caseloads, and may result in community safety issues.
2. Navigators continue to experience lag time when trying to enter certain institutions to conduct post-release supervision planning. (Working well at DEC and WEC).
3. Obtaining access to behavior health documents needed for reentry planning from DCS is slow.
4. Access to NICAMS (DCS IT system) is limited. Continued issues with release of information process and institution reports for mental health and substance use evaluations.
5. There appears to be an ongoing disconnect between DCS's classification process and post-release court orders as inmates are not being referred to court-ordered programming while in the institution.
6. Duplication of services appears to exist as evaluations conducted in the community (as part of the presentence investigation) and "assessments" are being repeated in the institution, sometimes resulting in conflicting programming being recommended. Programming is not in place.
7. Lack of access and referrals to programming while in the institution results in additional pressure under community supervision (PRS) to access and complete programming within a limited amount of time.
8. Lack of access to transitional housing and funding for appropriate reentry residential placement options.
9. Correctional staff, in general, appear uneducated concerning post-release supervision (PRS) and at times give inmates conflicting information that the Navigators must subsequently correct.
10. CSG's original recommendations concerning staff allocation did not take into account infrastructure needed to accommodate added staff (support staff, drug technicians, supervisors, etc.), forcing internal adjustments to be made.
11. IT, JUSTICE, and NPACS are not integrated, resulting in PRS cases not easily identified. This issue also impacts accurate data collection and research.

**System Improvements:**

1. There is improved communication and cooperation at the higher level of the organizations.
2. Worked closely with DCS and our JUSTICE partners to develop a patchwork system used to identify, track, and ensure individuals that statutorily should have been placed on PRS were in fact placed on PRS.
3. Actively participate in Justice Reinvestment CSG committee work.

**From: Board of Parole**

**Date: July 29, 2016**

This document will serve as a brief summary for the Committee regarding the progress with Justice Reinvestment Implementation and address recommendations that the Board has in regards to implementation.

**Progress:**

**Parole Board Decision-making Guidelines:**

- The Rules and Regulations for the Board will be promulgated at an upcoming open Board meeting in the fall.
- Parole guidelines will be piloted starting in October of 2016 once enough NDCS inmates have STRONG-R risk assessment scores that need to be factored into the guidelines. During this pilot, the Board will use the guidelines on every hearing and key review at three NDCS facilities for two months. In December of 2016, the initial pilot results will be evaluated by CSG Justice Center staff and an independent researcher and modifications will be made if necessary.
- Parole guidelines will then be implemented throughout the remaining facilities in early 2017.
- The Board continues to monitor the data that is available regarding parole eligibility dates (PED) and tentative release dates (TRD) so as to minimize the number of people leaving the correctional facilities without supervision.
- A data analyst was hired by the Board of Parole and will begin August 1, 2017.

**Risk Assessment:**

- Parole Supervision staff are completing the STRONG-R training the first week in August 2016. Parole Officers will begin to assess all clients coming onto Parole beginning August 8, 2016.
- Draft Policy/Business Rules have been established for the assessment using the STRONG-R.

**Evidence Based Practices Training in Parole Supervision:**

- Motivational Interviewing Refresher Training will be held for all Parole Supervision staff September 20-22, 2016. Motivational interviewing is an evidence-based practice widely used in the corrections field to engage clients in a way that enhances their motivation for change.
- Training regarding the newly developed incentives and sanctions matrix will be offered in October 2016. Software to automate the matrix will be purchased with BJA subaward funding and utilized to ensure fidelity to the policy and best practice surrounding swift and certain sanctions and the utilization of incentives.
- The EPICS Model (Effective Practices in Community Supervision) from the University of Cincinnati will be utilized to train staff in January 2017. This will also include training for trainers for sustainability.

**Swift and Certain Sanctions:**

- **The incentives and sanctions parole supervision matrix is complete. Policy and protocol for parole officers to use the matrix is being drafted and will be completed by September 2016. (See training note above.)**
- **The Board is in the process of securing jail contracts for parolees to serve custodial sanctions.**

**Agency Collaboration:**

- **Parole Officers and NDCS Reentry staff are meeting on an ongoing basis to establish ongoing communication and work to utilize resources. Discussions have surrounded responsibilities of each agency and ensuring work is shared and efforts are not duplicated.**
- **Parole Officers and Probation Officers are communicating on an ongoing basis to address clients who are on parole, but will have a term of post-release supervision.**

**Recommendations to overcome implementation barriers:**

- **Parole Supervision must have contracts with jail facilities to place parolees who are serving custodial sanctions. Additional funding may be necessary to utilize custodial jail sanction time. It is estimated that each day in jail will be \$91.00.**
- **In order for clients to be successful, they need access to programs and treatment services in the community that address their criminogenic risk and needs factors. Parole Supervision is working to build some of these programs, such as specialized supervision for clients who have specific risks and needs, and will also need to build relationships with community providers and contract to provide other types of services, such as working with Probation. Additional funding may be necessary to ensure that parolees have access to the services they need.**
- **Parole Supervision's focus on adopting evidence-based practices requires strong data reporting systems, which the agency is better equipped to tackle now that there is a data analyst on staff. This will require a strong collaboration with NDCS to increase data collection and reporting and may require IT systems updates or migration to a Parole-managed database.**

## Justice Reinvestment Summary – Nebraska Department of Correctional Services

### 1) Where you are with JR implementation and how it is going;

**Risk and Needs Assessment:** The Department has selected a risk needs assessment tool, the STRONG-R. The initial staff training occurred in June 2016, parole staff are receiving training in August and the next cohort of DCS staff will be trained in the tool in September. Staff began administering the tool to all new admissions on July 5<sup>th</sup>, 2016 and NDCS is collaborating with the parole board to ensure individuals who are coming up for parole hearings and reviews have a risk assessment completed so that it can inform the parole guidelines.

**Restitution:** The public hearing on the proposed restitution rules and regulations was held on July 24, 2016 and the rules are in the final approval process, with an expected completion date of September 2016. The rules address the process for notifying, collecting and remitting restitution on behalf of inmates incarcerated within NDCS facilities

**Program Evaluation:** The Justice Program Assessment (JPA) conducted by CSG was recently completed and the report was issued in June 2016. In addition to implementing the recommendations from the JPA, the Department hired a program evaluator in February who is conducting research and evaluations of NDCS programs and also examining data collection to ensure that the information to effectively evaluate programs is being collected.

**Mandatory Discharges:** The Department is collaborating with the board of parole to track and develop and implement strategies to reduce the number of individuals who are discharged to the community without supervision. We have identified individuals who are discharging or have a parole hearing within the next 18 months who may potentially mandatory discharge and are working with the parole board to prioritize individuals based on release dates and programming needs to maximize the number of individuals who can be released on parole rather than mandatorily discharge. In addition, implementation of the risk-needs assessment process at intake and efforts to complete clinical evaluations within the first 90 days of incarceration will position more inmates to receive needed clinical programming prior to becoming parole eligible.

**Updated Classification Tool:** The Department has contracted with the University of Nebraska Omaha to develop an updated classification tool for the Department which will help to reduce the number of classification overrides and provide a more accurate breakdown of the current population in terms of custody level and risk of misconduct while incarcerated. The tool is near completion and staff training on use of the tool is scheduled to begin in September 2016.

2) What barriers you may have with implementation and/or recommendations you have for them as related to JR and assisting you with implementation.

The Department is collaborating well with Parole, Probation, the Courts and CSG to implement the provisions of LB 605 and Justice Reinvestment. There are a number of initiatives being implemented simultaneously as part of Justice Reinvestment as well as other legislation and ongoing initiatives such as the sentence calculation project. The primary challenge from NDCS' perspective has been implementation of all of these initiatives simultaneously while managing data collection, training, reporting, and the day to day activities of the agency.

Making all the necessary changes to our IT system to effectively implement and track the needed information on a number of areas has been a challenge as most of our IT resources have been dedicated to the sentence calculation project which is due to be completed in September 2016. The Department looks forward to continued collaboration with our criminal justice agency partners and the legislature to fully realize the benefits of Justice Reinvestment moving forward.

**2016 JROC Report**  
**ATTACHMENT G**



## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion
Strategy 1: Use probation for people convicted of low-level offenses	(1)(A) Update property offense penalties to account for inflation.	<ul style="list-style-type: none"> <li>Reserve felony penalties for those offenses involving property valued at \$1,500 or more. For theft, offenses involving less than \$500 in property would be Class II misdemeanors; \$500-\$1,499 would be Class I misdemeanors; \$1,500-\$4,999 would be Class IV felonies; and \$5,000 or more would be Class III felonies.</li> <li>Align penalties for other property offenses to be consistent with the revised felony theft framework.</li> </ul>	Completed	This policy option was adopted.	See sustainability recommendations for implementation action items (ongoing judicial education, data monitoring, etc).	n/a
	(1)(B) Require that misdemeanor sentences to incarceration be served in jail rather than prison.	<ul style="list-style-type: none"> <li>Require that misdemeanor sentences, including those with a term of one year or more, be served in county jails and reserve prison space for people convicted of felony offenses.</li> </ul>	Completed	This policy option was adopted.	See sustainability recommendations for implementation action items (ongoing judicial education, data monitoring, etc).	n/a
	(1)(C) Use probation, rather than prison or jail, to hold people convicted of nonviolent, low-level offenses accountable.	<ul style="list-style-type: none"> <li>Create a statutory presumption that people convicted of nonviolent Class IV felonies will be sentenced to probation rather than incarceration.</li> <li>Allow judges to override the statutory presumption in limited circumstances, such as when the defendant is simultaneously convicted of a more severe felony.</li> </ul>	Completed	This policy option was adopted.	See sustainability recommendations for implementation action items (ongoing judicial education, data monitoring, etc).	n/a
	(1)(D) Prioritize probation resources for felony probationers who are at the highest risk of reoffending	<ul style="list-style-type: none"> <li>Retain existing policies for the assessment of probationers for risk of reoffending and classification to Community-Based Intervention (CBI), the most intensive level of supervision, or Community-Based Resource (CBR), which offers low through moderate levels of supervision.</li> <li>Transition misdemeanor probationers placed on CBI to CBR after 12 months and felony probationers after 18 months. Enable overrides of this policy for probationers who are found to have committed major violations of their conditions of supervision. Existing policies for transitioning probationers from CBI to CBR based on risk of reoffending would remain in effect, allowing for these transitions to take place sooner when appropriate.</li> <li>Discharge probationers after six months of successful CBR supervision (e.g., no reported major violations of supervision conditions) for misdemeanor sentences and after 12 months for felony sentences, if any required restitution is paid in full. If not paid in full, transition probationer to administrative supervision until restitution is paid or the probation sentence is completed, whichever occurs sooner</li> </ul>	Completed	<p>This policy option was adopted.</p> <p>CBI/CBR has been in place since 2006/2007. In 2015/2016 it has evolved to include additional populations and case management practices to account for the highest-risk individuals and post-release supervision (PRS).</p> <p>An effort to transition misdemeanor probationers on CBI to CBR has been in place since 2006/2007. Renewed emphasis has been placed on this with the passage of LB 605 (2015) and is presently part of ongoing training of probation officers.</p> <p>Discharge of probationers only occurs after restitution has been paid. Policies, procedures, protocols, and court rules have been developed and approved. Initial training was completed in 2015 and will continue to be reemphasized in training.</p>	See sustainability recommendations for implementation action items (training, ongoing judicial education, data monitoring, etc).	n/a

## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion
	(1)(E) Respond to major probation violations with short periods of incarceration followed by supervision	<ul style="list-style-type: none"> <li>• Provide greater structure and consistency to the use of 180 days of jail time that judges currently have authority to include in probation sentences.</li> <li>• Provide judges with the authority to impose custodial sanctions for probationers who are at a high risk of reoffending, who commit a serious violation of the conditions of their probation, and who have already exhausted other sanctioning options.</li> <li>• Allow custodial sanctions of up to 30 days in jail for violations or up to 30 days for probationers who commit the most serious violations after receiving lower level sanctions and shorter custodial sanctions.</li> <li>• Establish probation policies and probation officer training to ensure that these confinement periods are used as the most severe response short of revocation on the violation sanction matrix.</li> <li>• Preserve the court's authority to impose longer periods of incarceration for probationers who are convicted of a new criminal offense while on supervision and sentenced to prison or jail.</li> </ul>	Ongoing	<p>This policy option was adopted by LB605, with minor changes/clarifications in LB1094 (particularly to clarify the hearing process for custodial sanctions).</p> <p>The Supreme Court rules were updated in 2015 to reflect the changes in LB605, and were modified again in the summer of 2016 to reflect the changes in LB1094.</p> <p>The incentive/sanctions matrix was completed in 2015, and the new Probation policies and procedures were completed in 2015. The Probation policies and procedures were updated in the summer of 2016.</p> <p>The formal imposition of administrative sanctions has been used by probation since 2003. Implementation of the incentive/sanction matrix with custodial sanctions has been completed.</p> <p>The Supreme Court rules and the Probation policy, procedures and protocols related to interstate compact cases were developed and approved in 2015.</p> <p>Training and education on applying the incentive/sanction matrix, rules, policy and procedures is ongoing.</p>	<ul style="list-style-type: none"> <li>• See sustainability recommendations for other implementation action items (in particular - training/education on applying incentive/sanction matrix, rules, policy and procedures).</li> </ul>	n/a
	(1)(F) Enhance services for probation and PRS populations. Expand access to SSAS to include people with substance use treatment needs who are convicted of non-drug offenses.	<ul style="list-style-type: none"> <li>• Clarify admission criteria for Specialized Substance Abuse Supervision (SSAS) to include both having a high risk of reoffending as determined by a validated risk assessment and high substance use needs that would be best addressed through intensive supervision and treatment.</li> <li>• Expand criteria for SSAS beyond just individuals convicted of a drug offense to also include those convicted of other offenses who meet specific risk and need criteria.</li> </ul>	Ongoing	<p>This policy option was adopted by LB605.</p> <p>Probation expanded the SSAS program eligibility requirements in early 2016. Probation opened up five new Reporting Centers in January 2016.</p>	<ul style="list-style-type: none"> <li>• Ongoing training/education - developed and commenced in June 2016</li> <li>• Also see sustainability recommendations for other implementation action items (ongoing training/education, data monitoring, etc) - in particular, sustainability option #8, listed as (S)(8) below.</li> </ul>	n/a
Strategy 2: Ensure post-release supervision, and address victims' needs	(2)(A) Classify felony offenses according to whether they involve violence or are sex offenses.	<ul style="list-style-type: none"> <li>• Enhance the rationality of Nebraska's felony classifications by more uniformly grouping offenses by the severity of the conduct involved.</li> <li>• Move violent and sex offenses now categorized as Class IV felonies to the existing Class IIIA felony category.</li> <li>• Create a new Class IIA felony classification to distinguish violent and sex offenses now penalized as a Class III felony from nonviolent and non-sex offenses contained in that class.</li> </ul>	Completed	<p>This policy option was adopted by LB605 with changes/clarifications in LB1094.</p>	<p>See sustainability recommendations for implementation action items (ongoing judicial education, data monitoring, etc).</p>	n/a

## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion
	(2)(B) Provide periods of incarceration followed by PRS for people convicted of Class III, IIIA, and IV felonies.	<ul style="list-style-type: none"> <li>• Enhance the predictability of length of stay in prison and ensure supervision following release from incarceration for Nebraska's three lowest felony classes by providing for split sentences of defined periods of incarceration and mandatory post-release supervision.</li> <li>• Order mandatory post-release supervision at the time of sentencing to ensure that every person sentenced to prison for Class III, IIIA, and IV felonies reenters the community under supervision.</li> <li>• Deliver mandatory post-release supervision through the state's probation supervision system.</li> </ul>	In progress	<p>This policy option was adopted by LB605, with minor changes/clarifications in LB1094.</p> <p>The Supreme Court rules were updated in 2015 to reflect the changes in LB605, and were modified again in the summer of 2016 following the passage of LB1094 to reflect changes related to custodial sanctions and to update internal references.</p> <p>The new Probation policies and procedures were completed in 2015. The Probation policies and procedures related to custodial sanctions were updated in the summer of 2016.</p> <p>Reentry collaboration is ongoing, and the reentry document development is in process.</p> <p>Initial probation officers have been hired and assigned. There will be additional probation officer hires in Fiscal Year (FY) 2016-2017.</p> <p>The new Reporting Centers funded by LB605 are open and are running, staffed by Probation Officers and drug techs.</p>	<ul style="list-style-type: none"> <li>• Continue reentry collaboration</li> <li>• Continue reentry document development</li> <li>• Additional probation officer hires in FY2016-17</li> <li>• DCS policy and procedure changes</li> <li>• Parole policy and procedure changes</li> <li>• Also see sustainability recommendations for other implementation action items (ongoing training/education, data monitoring, etc).</li> </ul>	Winter '16-'17
	(2)(C) Require that individuals convicted of the most serious offenses be supervised after release from prison.	<ul style="list-style-type: none"> <li>• Adopt parole guidelines that ensure that all parole eligible people sentenced to prison for Class I(A-D), II, and IIIA felonies receive a minimum of nine months of post-release supervision.</li> <li>• Utilize risk assessment information in parole-release decision making.</li> </ul>	In progress	<p>This policy option was adopted by LB605, with changes/clarifications in LB1094. It is also affected by LB598 (2015), which moved the Parole Administration out of DCS. The parole guidelines are contingent on DCS adopting a risk and needs assessment and administering it to inmates prior to parole board case review and hearing dates.</p>	<ul style="list-style-type: none"> <li>• Board of Parole policy and procedure changes - rules and regs will be promulgated summer/fall 2016</li> <li>• Parole guidelines will be piloted in September 2016 if the STRONG-R is up and running.</li> <li>• Parole guidelines will be evaluated/modified December 2016</li> <li>• Parole guidelines will be implemented January 2017</li> <li>• DCS and Board of Parole continue to monitor inmates' Parole Eligibility Date (PED) and Tentative Release Date (TRD) to minimize "jam outs."</li> </ul>	<ul style="list-style-type: none"> <li>• summer/fall 2016</li> <li>• September 2016</li> <li>• December 2016</li> <li>• January 2017</li> <li>• Ongoing</li> </ul>

## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion
	(2)(D) Expand use and improve collection of victim restitution from people sentenced to prison	<ul style="list-style-type: none"> <li>• Clarify that sentencing courts may include restitution orders in sentences to prison or jail.</li> <li>• Specify that potential wages paid while incarcerated and potential deposits into the defendant's institutional trust account may be considered when the sentencing court calculates the amount of restitution to be paid.</li> <li>• Adopt a uniform sentencing order that clearly directs NDCS to collect restitution from all people committed to NDCS facilities that owe restitution.</li> <li>• Require NDCS to deduct 25 percent on a monthly basis from deposits into institutional trust accounts and from wages earned in prison or while on work release until restitution obligations are satisfied.</li> </ul>	In progress	<p>This policy option was adopted by LB605.</p> <p>A hearing on the rules and regulations was held on June 24th - draft rules and regs are available online. According to Secretary of State's website, DCS has not yet sent rules and regs to the Attorney General's office.</p> <p>NDCS has revised their accounting software.</p>	<ul style="list-style-type: none"> <li>• DCS Policy and procedure changes - rules and regs promulgation process will continue into fall 2016</li> <li>• Also see (S)(3) - improve collection of restitution from parolees and probationers, not just from prison inmates.</li> </ul>	Summer 2016 (pushed back, rules & regs not final)
	(2)(E) Evaluate current prison good time policies and estimate the impacts of proposed modifications	<ul style="list-style-type: none"> <li>• Establish a task force of criminal justice system representatives to assess good time statutes and departmental policies, evaluate reform proposals, and generate impact estimates.</li> <li>• Direct the task force to evaluate potential impacts to sentencing by surveying criminal justice system stakeholders, study how good time is applied as a behavior management tool inside correctional facilities, and analyze how reforms would impact correctional costs, demand for prison beds, and public safety.</li> <li>• Submit the results of the study to the legislature and governor.</li> </ul>	Not adopted	No action taken as part of JRI - see NCJR research.	None.	n/a
Strategy 3: Improve parole supervision to reduce recidivism among individuals released from prison	(3)(A) Adopt a risk assessment tool to assess parolees' risk and needs.	<ul style="list-style-type: none"> <li>• Require the use of a validated actuarial risk and need assessment and ensure that individuals are assessed upon release to parole supervision and reassessed regularly.</li> <li>• Revalidate the adopted risk and need assessment tool regularly.</li> </ul>	In progress	<p>Request for proposals for new assessment went out, DCS selected the "STRONG-R". DCS is revising policies and procedures. Parole is revising policies and procedures. STRONG-R training for DCS, Parole, and Probation is underway - training was held in June 2016, next training will take place in September 2016.</p>	<ul style="list-style-type: none"> <li>• Ongoing training</li> <li>• Policy and procedure development by DCS and Parole</li> <li>• DCS needs to create a crosswalk between STRONG-R and LS/CMI so as not to duplicate assessment efforts and waste resources</li> <li>• DCS needs to develop a quality assurance process for the STRONG-R and validate the tool in three years</li> </ul>	Fall 2016 (and validation in 2019)

## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion
	(3)(B) Adopt evidence-based practices in parole supervision to change criminal thinking and behavior	<ul style="list-style-type: none"> <li>• Adopt parole supervision policies differentiating caseloads based on the assessed risk and need of parolees and provide the most intensive supervision to people assessed as having the highest risk and need.</li> <li>• Adopt parole supervision policies that prioritize delivery of programming and treatment to people assessed as having the highest risk of reoffending and the greatest needs.</li> <li>• Implement new pre- and in-service training for parole officers regarding risk-based differentiation of caseloads, officer contacts, and program and treatment prioritization.</li> <li>• Direct NDCS to enhance the existing graduated violation sanction and rewards matrix to factor in the parolee's assessed risk of reoffending and the seriousness of the violation.</li> <li>• Provide officer training and agency oversight to ensure the consistent statewide application of the matrix.</li> </ul>	In progress/ongoing	Training and software contracts have been secured [for EPICS, case management, MI, Carey Group Software]. DCS is revising policies and procedures. Staff training is ongoing.	<ul style="list-style-type: none"> <li>• Continue to revise policy and procedure (Fall 2016)</li> <li>• Develop/Implement quality assurance process (January 2017)</li> <li>• Staff Training (ongoing)</li> </ul>	January 2017
	(3)(C) Respond to parole violations with swift and certain sanctions and graduated responses.	<ul style="list-style-type: none"> <li>• Utilize custodial sanctions of 30 days in prison, after good time reductions, for parolees who are at a high risk of reoffending, who commit a serious violation of the conditions of their parole, and who have already exhausted other sanctioning options.</li> <li>• Permit parolees who commit a serious violation to be revoked to prison if they have already received two custodial sanctions.</li> <li>• Establish policies and training for parole supervision officers to ensure that these confinement periods are designated as the most severe response on the violation sanction matrix.</li> <li>• Preserve judges' authority to impose longer periods of incarceration for parolees who are convicted of a new criminal offense while under supervision and sentenced to prison or jail.</li> </ul>	In progress	The Parole Board has worked with CSG to develop a matrix and to revise their policies and procedures. Parole staff training has begun, and is ongoing.	<ul style="list-style-type: none"> <li>• Finish developing matrix (August/September 2016)</li> <li>• Finalize revised policies and procedures (Fall 2016)</li> <li>• Ongoing Staff Training (Fall 2016)</li> </ul>	Fall 2016
	(3)(D) Respond to major parole violations with short periods of incarceration followed by supervision.	<ul style="list-style-type: none"> <li>• Utilize custodial sanctions of 30 days in prison, after good time reductions, for parolees who are at a high risk of reoffending, who commit a serious violation of the conditions of their parole, and who have already exhausted other sanctioning options.</li> <li>• Permit parolees who commit a serious violation to be revoked to prison if they have already received two custodial sanctions.</li> <li>• Establish policies and training for parole supervision officers to ensure that these confinement periods are designated as the most severe response on the violation sanction matrix.</li> <li>• Preserve judges' authority to impose longer periods of incarceration for parolees who are convicted of a new criminal offense while under supervision and sentenced to prison or jail.</li> </ul>	In progress	This policy option was adopted by LB605, with minor changes/clarifications in LB1094. Custodial sanctions are implemented as part of the parole matrix noted under (3)(C). The process for interstate compact cases has been developed.	<ul style="list-style-type: none"> <li>• Secure jail contracts for parolees to serve custodial sanctions (may need to appropriate additional funding to Parole Administration)</li> <li>• Also see sustainability recommendations for other implementation action items (ongoing training/education, data monitoring, etc).</li> </ul>	Winter 2016 (may have to be pushed back if Parole cannot secure jail contracts)

## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion • not clear
Sustainability options	(S)(1) Measure the impact of LB605. Establish an oversight committee to measure and assess policy impacts of Justice Reinvestment Policy Framework on an ongoing basis.	Establish an oversight committee to measure and assess policy impacts of the Justice Reinvestment Policy Framework on an ongoing basis.	In progress/ongoing	<ul style="list-style-type: none"> <li>Data team met on 7/27/2016, has been working with Angie Gunter from CSG to figure out how to track and monitor trends for major metrics to report on a regular basis for JROC, and to decide what to report for JRICC.</li> <li>Data team will meet less frequently now that data is coming in on a regular basis.</li> <li>See data sheet provided by CSG for the 8/17/2016 JROC meeting. They are tracking "Probation - use of custodial sanctions". Parole isn't using custodial sanctions yet.</li> <li>Not enough data to really see a clear trend yet.</li> </ul>	<ul style="list-style-type: none"> <li>Work w/ UNO Center for Justice Research (or other entity) to find a permanent home for the reporting system.</li> <li>Data team will keep working w/ Angie Gunter from CSG to track and monitor trends for major metrics on a regular basis, through August 2019</li> <li>JROC will meet w/ Amy Prenda and CSG team</li> <li>JRICC meetings will be held on October 20, 2016 and August 2017.</li> </ul>	<ul style="list-style-type: none"> <li>August 2019</li> <li>Ongoing, until August 2019</li> <li>October 20, 2016 and August 2017</li> </ul>
	(S)(2) Evaluate the quality of prison- and community-based programs and use results to make adjustments to improve outcomes.	Evaluate the quality of prison- and community-based programs and use results to make adjustments to improve outcomes.	In progress/ongoing	<p>CSG released the Justice Program Assessment (JPA) report on June 22, 2016 and will continue to work with DCS on implementation of JPA.</p> <p>CSG will also continue to work with DCS on development of a quality assurance process and on development of a process for measuring outcomes (e.g., recidivism rates) as a result of prison and community-based programs.</p> <p>Note: Probation contracts with University of Nebraska Law Psychology Department to "study and provide feedback on quality of programming."</p> <ul style="list-style-type: none"> <li>Restitution team has completed some judicial training on restitution collection, is working on officer training.</li> <li>CSG has worked with the agencies to evaluate the collection processes within each agency to determine gaps. They've begun the process of facilitating access to restitution information by probation and parole officers and have begun to develop outreach and education related to restitution.</li> </ul>	<ul style="list-style-type: none"> <li>Continue JPA implementation (DCS may request additional funding in bienium budget process)</li> <li>Develop a quality assurance process for DCS</li> <li>Develop a process for measuring outcomes (e.g., recidivism rates) as a result of prison and community-based programs.</li> <li>LB 605 required Probation to evaluate their community based programs as well, if funding was available. Consider appropriating additional funding if necessary.</li> <li>Could also provide funding for community-based service providers to evaluate their programs or be trained in working with criminal justice-involved populations, as recommended by the JPA.</li> </ul>	July, 2017
	(S)(3) Track and report restitution collections within Probation and DCS in order to establish a baseline against which future collections may be measured.	Track and report restitution collections within Probation and DCS in order to establish a baseline against which future collections may be measured.	In progress		<ul style="list-style-type: none"> <li>Finalize restitution rules and regulations [See (2)(D)]</li> <li>Facilitate access to restitution information by probation and parole officers</li> <li>Develop outreach and education related to restitution for inmates, courts, district/county court clerks, prosecutors, public defenders, and victim advocates</li> </ul>	Spring 2017
	(S)(4) Require criminal justice agencies to complete fiscal impact statements for proposed criminal justice legislation that include, to the extent feasible, prison population projections and the estimated cost of adding capacity.	Require criminal justice agencies to complete fiscal impact statements for proposed criminal justice legislation that include, to the extent feasible, prison population projections and the estimated cost of adding capacity.	Not adopted	No action has been taken as part of JRI.	None - see (S)(10).	n/a
	(S)(5) Create a sentencing information database to help judges appreciate variations in sentencing practices within their districts and as compared to others across the state.	Create a sentencing information database to help judges appreciate variations in sentencing practices within their districts and as compared to others across the state.	Not adopted	No action has been taken as part of JRI implementation.	None - see (S)(10).	n/a

## Justice Reinvestment Initiative (LB605 & LB1094) Implementation Plan

Strategies	Policy Options	Recommendations from CSG (January, 2015)	Status (9/1/2016)	Status Update (9/1/2016)	Action to be taken - JR implementation	Target date for completion
	(S)(6) Launch a process for reaching agreement between county governments and the state on the overhead costs associated with probation operations.	Launch a process for reaching agreement between county governments and the state on the overhead costs associated with probation operations.	Not adopted	No action has been taken as part of JRI.	None - see (S)(10).	n/a
	(S)(7) Enable access to State Patrol criminal history data for research purposes.	Enable access to State Patrol criminal history data for research purposes.	Completed	This policy option was adopted.	None.	August 2015
	(S)(8) Require that agencies collaborate to enhance supervision in the community and reentry after incarceration.	<i>See December, 2015 JRICC implementation plan</i>	Ongoing/ in progress	The JRI Coordinator applied for a JRI Maximizing grant, and has been meeting regularly (approximately monthly) with a Reentry Workgroup to help create a seamless system of reentry across agencies to ensure that needs are met, services are aligned with evidence-based practices, and work is not being duplicated. The JRI Coordinator has also been participating in Re-Entry Alliance of Nebraska (RAN) meetings and other meetings in the organization to facilitate reentry.	<ul style="list-style-type: none"> <li>• Coordinating release/transition from DCS to Probation and Parole</li> <li>• Facilitate work between state agencies and community providers</li> <li>• Facilitate/Coordinate JRI Maximizing grant, if awarded (September 2016)</li> </ul>	<ul style="list-style-type: none"> <li>• ongoing</li> <li>• ongoing</li> <li>• September 2016</li> </ul>
	(S)(9) Aid counties who have increased jail costs due to the effects of LB605	<i>See December, 2015 JRICC implementation plan</i>	In progress	The grant process is being developed - a hearing on the rules and regs for the County JRI grant program is scheduled for July 22, 2016. The grant application is being developed and implemented by the Crime Commission. A Judiciary Committee interim study, LR550 (2016), is looking into the issues related to developing a tracking system for jails to monitor LB605 impacts.	<ul style="list-style-type: none"> <li>• Grant rules and regulation to be promulgated (September 2016)</li> <li>• Monitor grant process</li> <li>• Facilitate/assist with LR 550</li> </ul>	<ul style="list-style-type: none"> <li>• September 2016</li> <li>• Ongoing</li> <li>• December 2016</li> </ul>
	(S)(10) The Committee on Justice Reinvestment Oversight	<i>See December, 2015 JRICC implementation plan</i>	Ongoing	The committee has met regularly with CSG and received updates on implementation.	<ul style="list-style-type: none"> <li>• Meet regularly with CSG representatives.</li> <li>• Assist CSG with outreach to Nebraska Legislature, specifically new leadership and senators</li> <li>• Track implementation of evidence-based strategies as established in LB 605.</li> <li>• Review policies to improve public safety, reduce recidivism, and reduce spending on corrections.</li> <li>• Monitor performance and measure outcomes by collecting data from counties and relevant state agencies for analysis and reporting.</li> <li>• Prepare and submit an annual report of activities and findings.</li> <li>• Make recommendations to improve any aspect of the criminal justice system, as needed.</li> </ul>	n/a



**2016 JROC Report**  
**ATTACHMENT H**



# Findings of the Justice Program Assessment of Nebraska's Prisons

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June 21, 2016

# NEBRASKA CAN IMPROVE ITS PRISON PROGRAMMING AND REDUCE RECIDIVISM

Nebraska invests millions of dollars annually in rehabilitative programming in prisons. To better understand if these programs are effective, the Nebraska Department of Correctional Services (NDCS) requested that The Council of State Governments (CSG) Justice Center conduct an in-depth assessment of institutional programs to identify how the department can modify its investments to maximize recidivism reduction.

After a 6-month review, staff have found that NDCS uses several state-of-the-art risk-reducing programs. However, the people who need these programs face clear and persistent barriers to accessing them. **Current approaches to program delivery at NDCS silo program assignment and unnecessarily stretch program delivery out over time, leading to inefficiencies that increase costs to the state by delaying parole readiness.** One-third of people within a year of their parole eligibility date are denied a parole hearing due to lack of programming, leading to numerous people jamming out of prison without supervision.<sup>1</sup>

State leaders set a clear mandate for NDCS to reduce jam outs and better prepare people to return to the community from prison. Prison programs are an important component of this, but NDCS' lack of staffing capacity to deliver programs in a timely manner and inability to target programs to the right people reduces the potential impact of the state's investment in recidivism reduction.

*Nebraska's investments in prison-based programming could have greater impact if NDCS adopted a more evidence-based program assignment and sequencing strategy:*

- Use a streamlined assessment to direct people into programs more quickly;
- Make program assignments based on an individual's risk, needs, and time to parole eligibility;
- Modify programs to allow multiple need areas to be addressed simultaneously;
- Expand capacity by adding to the array of core risk-reducing programs (i.e., cognitive behavioral interventions that address criminal thinking) and increase how often they are provided by dedicating some staff to running programming; and
- Develop a system to monitor program delivery and outcomes over time.

*Additionally, the state of Nebraska should:*

- Increase access to evidence-based community programs for justice-involved populations.
- Incentivize service providers to create a continuum of care in the community that is coordinated with prison programming models.

# A DESIRE TO REDUCE RECIDIVISM THROUGH PROGRAMMING

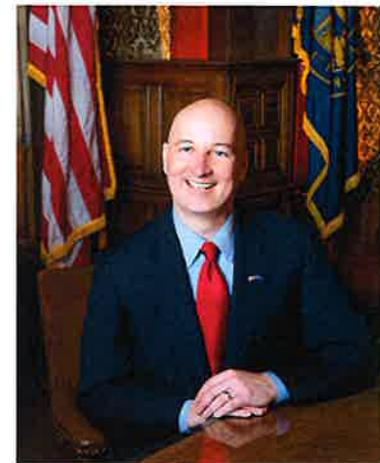


*“NDCS is committed to improving recidivism-reduction interventions in our prisons and increasing our capacity to provide quality programming, which is why I requested this assessment. The improvements we make to our programming based on these recommendations will ensure people return to our neighborhoods having had the opportunity to make positive change. Our mission is described in three words; Keep People Safe. Programming is how we transform lives and keep our prisons and communities safe.”*

*—Scott Frakes, Director, NDCS*

*“The purpose of our prisons is to protect the safety of the people of Nebraska. As we work towards this goal, our prison system must more effectively reduce recidivism. To this end, we must deter offenders that have served their time from committing new crimes as they reenter society.”*

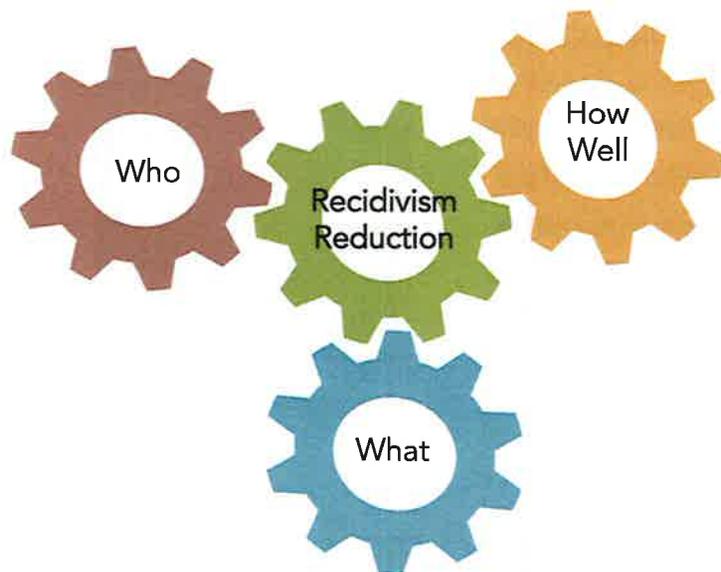
*—Governor Pete Ricketts*



# THE JUSTICE PROGRAM ASSESSMENT

The Justice Program Assessment (JPA) looks at recidivism-reduction program impacts. **Program impacts** are the result of the integration of several key elements: **targeting the right people based on risk, relying on effective programs, and implementing programs with quality and fidelity.** With these elements in place, a system is more likely to reduce recidivism.

While traditional program evaluations may focus solely on the impacts of one program, the JPA examines all three aspects of program functionality and funding allocations within an entire system.



The **JPA system analysis** commenced in November 2015, and was completed in May 2016. During this time, CSG Justice Center staff completed eight site visits to gather information, observe practices, and speak with staff:

**8** adult correctional institutions visited out of Nebraska's 9 adult facilities

**24** sex offender, substance use, cognitive behavioral, and violence prevention programs observed

**50+** clinical and programming staff and **25+** inmates interviewed

**75,000+** offender records analyzed

# THE JPA IS FOCUSED ON CORE RISK REDUCING PROGRAMS

Research clearly shows that **core risk-reducing programs** are those that target **criminogenic risk factors**, or those aspects of an individual that are directly related to future criminality.

Andrews, Bonta, & Wormith<sup>2</sup> identify eight criminogenic risk factors, with criminal history, criminal thinking, criminal associates, and criminal personality pattern topping the list as being the most predictive of future offending.

In Nebraska, this means the JPA focused on programs that address criminal thinking, sex offending, substance use disorders, and violence reduction. These programs were selected because they directly target priority risk factors and address some of the most significant public safety threats.

While additional programs exist (e.g., educational/vocational, victims' impact, etc.), and in some cases were observed during the JPA, the focus of findings are on programs identified as core risk reducing. It is important to note that research has demonstrated that programming in other areas, such as employment, needs to address criminal thinking in addition to any traditional approach (e.g., job readiness skills) in order to be effective at reducing recidivism.<sup>3</sup>

## Predictors of Criminal Behavior

Most predictive

### Domains

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History of Criminal Behavior

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Antisocial Attitudes, Values, and Beliefs

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Antisocial Peers

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Antisocial Personality Characteristics

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Lack of Employment Stability and Educational Achievement

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Family and/or Marital Stressors

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Substance Use

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Lack of Prosocial Leisure Activities

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Least predictive

# THE CURRENT MODEL OF PROGRAMMING DELIVERY AT NDCS

NDCS' current program referral model delays the start of programming until just prior to parole eligibility at the earliest and prioritizes only one main intervention. Programming delays are exacerbated by capacity limitations. Referral into cognitive behavioral programming for antisocial attitudes is driven by Board of Parole requirements or an individual's interest instead of assessment at the beginning of admission to NDCS. As a result, an individual may be unaware he or she needs to enroll in this type of program until a case review with the Board. Additionally, cognitive behavioral programming is often inaccessible while attending other programs, like substance use or sex offender treatment.

**Case example:** An individual arrives at NDCS with a four year sentence and is parole eligible after two years. He is assessed for violence and substance use and found to only need residential substance use treatment programming. After 9 months he is transferred to a facility which offers residential substance use treatment and requests to be put on the waitlist. When attending a Board of Parole case review he is notified by the Board that they would like him to have cognitive behavioral programming to address his criminal thinking prior to being granted parole. As a result, the individual is placed on a waitlist for programming and delayed being paroled from the institution.

## Example: Current System for Assessment and Referral



# JPA FRAMEWORK OVERVIEW

STRATEGY	FRAMEWORK	PRACTICES
1	Target the right people based on risk (Who)	<ul style="list-style-type: none"><li>✓ ASSESS RISK</li><li>✓ PROGRAM BASED ON RISK</li><li>✓ ADDRESS MULTIPLE NEEDS</li></ul>
2	Rely on effective programs (What)	<ul style="list-style-type: none"><li>✓ USE RESEARCH</li><li>✓ INTEGRATE SERVICES</li><li>✓ INTENSITY AND SPEED</li><li>✓ OFFER A CONTINUUM</li></ul>
3	Implement with quality and fidelity (How Well)	<ul style="list-style-type: none"><li>✓ IMPLEMENT CONSISTENTLY</li><li>✓ ENSURE FIDELITY</li><li>✓ EVALUATE PROGRAMS</li><li>✓ TRAIN STAFF</li></ul>
4	Reduce recidivism and take action (Action)	<ul style="list-style-type: none"><li>✓ FISCAL ANALYSIS</li><li>✓ IMMEDIATE NEXT STEPS</li><li>✓ LONGER TERM ACTIONS</li><li>✓ EXPECTED RESULTS</li></ul>

# 1. Who should receive programming?

**Goal:** Prioritize programming resources for individuals who are most likely to reoffend

## FINDINGS

NDCS misses opportunities to identify risk and needs and target program resources accordingly.

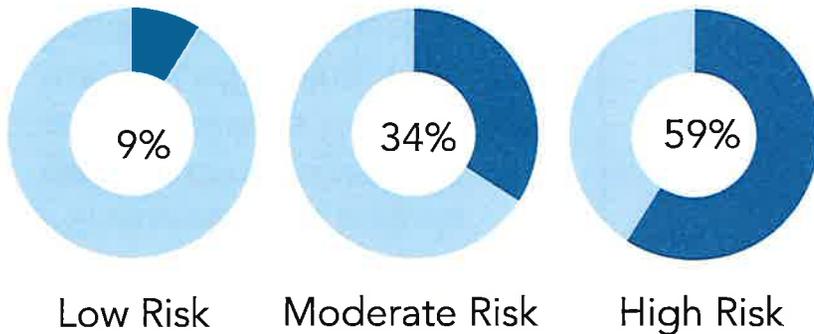
- ✘ No general criminogenic risk and needs tool currently in use
- ✓ STRONG-R assessment tool beginning July 2016
- ✓ A number of assessments in use for specific types of risk (e.g., sex offender) and needs (e.g., substance use)
- ✘ Resources wasted on duplicative assessments
- ✘ Long waits for program assessment and program entry
- ✘ Programs do not address multiple criminogenic needs

# PROGRAMS SHOULD BE DIRECTED TO HIGHER-RISK INDIVIDUALS

*Risk is defined as the likelihood of reoffending. Criminogenic risk assessment helps identify risk level and sort people into similar categories of risk.*

## EXAMPLE

Rate of Recidivism by Risk Level for a Community Supervision Sample<sup>4</sup>



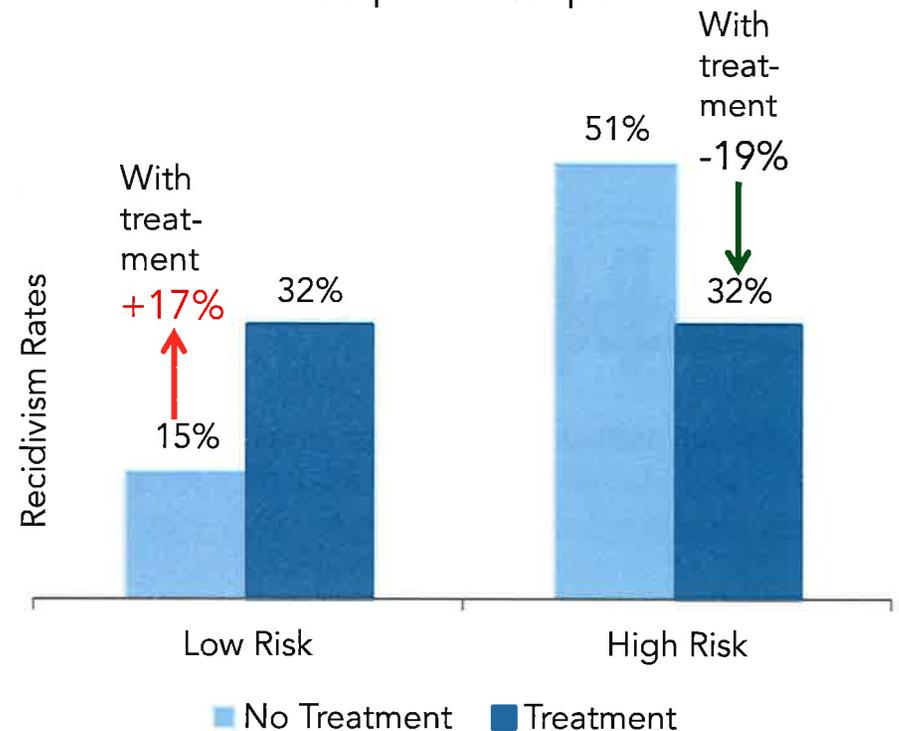
Risk assessments are actuarial tools which help group people according to their likelihood of reoffending. In the study above,\* low-risk individuals had a 9% likelihood of recidivating, moderate-risk had a 34% chance of recidivating, and high-risk had a 59% chance of recidivating.

\* The study is not specific to the Nebraska population.

Lack of meaningful risk categories among individuals can lead to wasting scarce resources, over-treating/over-supervising, and under-treating/under-supervising.

Studies have shown that treating low-risk people actually *increases recidivism*, while treating high-risk people with high-intensity programming dramatically decreases recidivism. Further, providing very low-intensity programming to high-risk people does little, if anything, to reduce recidivism.

Recidivism Rates by Risk Level and Treatment Dosage for a Supervision Sample<sup>5</sup>



# NEBRASKA'S CURRENT ASSESSMENT PROCESS INCLUDES SIGNIFICANT DUPLICATION

## Pre-sentence Investigation (PSI)



PSI assessments include: general criminogenic risk and screenings for substance use, sex offending, and some types of violence



## At Prison Intake



Intake assessments include: safety, mental health status, classification, and initial clinical screenings for substance use, sex offending, and violence

## NEBRASKA FINDINGS

Approximately 80–85% of all admissions have a PSI completed, which includes a number of risk and needs assessments. Upon admission to NDCS, all individuals are reassessed on many of the same instruments (e.g., SASSI, Static-99R) and will soon be reassessed again with the STRONG-R.

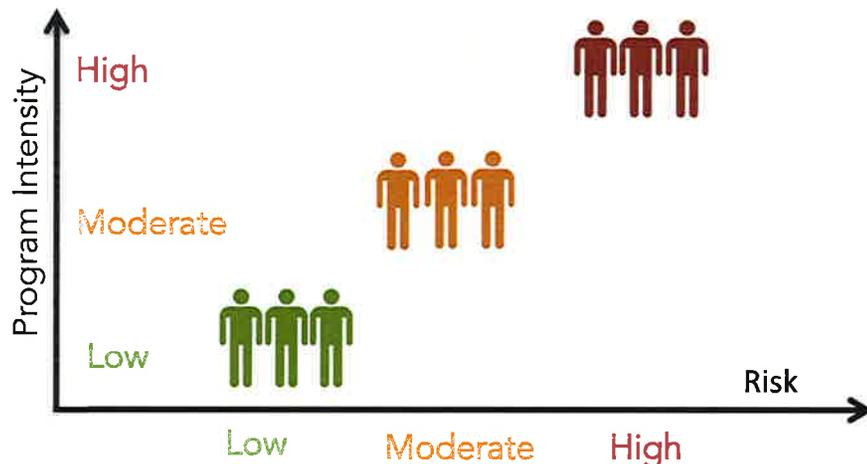
## RECOMMENDATIONS

Improve information sharing to limit redundant assessment and make better use of the PSI information. If reassessment is necessary, leverage PSI information to reduce redundant interviewing of the individual and streamline processes. Focus initial rollout of the STRONG-R on those individuals who have more than 18 months to serve in prison.

# USE A RISK AND NEEDS ASSESSMENT TO DETERMINE PROGRAMMING

## BEST PRACTICE STANDARDS

1. Using a validated risk and needs tool correctly to target the high-risk population ensures that people are placed into the most impactful programming based on their personal risk and needs.<sup>6</sup>
2. Program type should be matched to the risk level of the individual: intense programming for high-risk offenders can significantly reduce recidivism, while too much programming for low-risk offenders can increase recidivism.<sup>7</sup>



## NEBRASKA FINDINGS

*The lack of a criminogenic risk and needs tool is detrimental to program placement.*

- NDCS is currently in the process of adopting the STRONG-R risk and needs assessment, with the expectation that staff will begin administering the assessment in July 2016.
- It is not clear if all high-risk people receive programming that is appropriate for their risk type, as the STRONG-R is not yet in place and NDCS is not fully leveraging PSI assessment information. Criminally diverse people who are overall high-risk but are not high-need in a particular category, like substance use, may be slipping through the cracks.

## RECOMMENDATIONS

Once the STRONG-R is fully implemented, use it to assess all individuals entering prison in order to identify programming needs. In the period before full STRONG-R implementation, use PSIs to inform program placement, especially for people with short sentence lengths. Once a baseline profile of an annual admissions cohort is established, modify programming availability to meet needed program levels based on risk and needs.

# SHORTEN THE TIMEFRAME TO CONDUCT ASSESSMENT AND ENTER PROGRAMMING

## NEBRASKA FINDINGS

*Long delays for both program assessment and delivery prevent inmates from being released by PED.*

- NDCS does not fully use the many assessment results available in an inmate's pre-sentence investigation (PSI) and often duplicates assessments unnecessarily.
- Inability to deliver programming prior to Parole Eligibility Date (PED) contributes to people jamming out of prison without supervision.



*The Board of Parole declined to set a parole hearing for 33% of people who were within a year of PED because of incomplete programming.<sup>8</sup>*

- NDCS has recently taken commendable steps to shift placement of inmates into programming earlier in their sentences and expediting clinical needs assessments.



*However, there are still long delays between assessment and program start. On average, people wait more than a year to receive programming.*

- Clinical review teams, which make programming recommendations, operate in silos so that individuals end up only working toward one programming goal at a time and are often not on assessment or program waitlists simultaneously.

## RECOMMENDATIONS

Leverage PSI assessment information to assist in completing the STRONG R during admissions. Additionally, limit initial programming assessment by clinical review teams to those who score moderate to high risk on the STRONG-R and have complex clinical issues that complicate program selection.

Plan program delivery based on time to serve:

- **Fewer than 6 months in prison** – Expedite moderate and high risk individuals into cognitive behavioral programs for criminal thinking that can be started within NDCS and finished in community. Leverage clinical assessments completed with the PSI to assist with community referrals.
- **6 - 18 months in prison** – Prioritize cognitive behavioral programs for criminal thinking as soon as possible. Make other programming recommendations based on individual needs within 90 days of admission. Lengthy programs can be started within NDCS and finished in the community.
- **Greater than 18 months in prison** – Administer the STRONG-R within 30 days and additional clinical assessments within 60 days of admission. Address multiple needs prior to parole eligibility.

# TARGET MULTIPLE CRIMINOGENIC NEEDS

## BEST PRACTICE STANDARDS

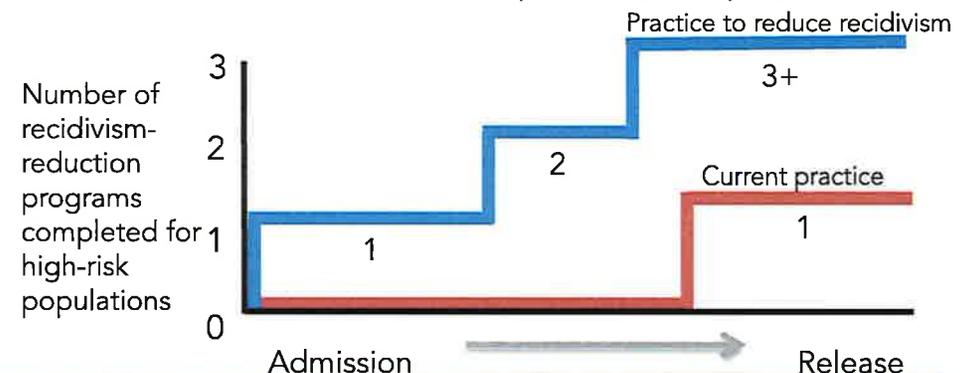
1. Programs that target multiple criminogenic needs are more successful at reducing recidivism than programs that target only one criminogenic need, or only non-criminogenic needs.<sup>9</sup>
2. Program placement decisions should be based first on an individual's overall risk score and then on that person's assessed needs.<sup>10</sup>
3. A comprehensive individual case plan should prioritize and sequence programming based on individual needs, parole eligibility, and custody levels.

## NEBRASKA FINDINGS

*Failure to target multiple criminogenic needs reduces the impact of NDCS interventions.*

- NDCS prioritizes programming based on an individual's primary need area, which results in directing a person into one program to the exclusion of other important programming (e.g., an individual may have to leave residential substance use treatment to participate in sex offender treatment programming).
- NDCS programming recommendations occur in silos, creating a fractured programming plan.
- Leaving programming to the end of a person's sentence means many offenders will complete only one program.

### Reductions in Recidivism



## RECOMMENDATIONS

Identify the full risk and needs profile of each person and determine the top 3-4 dynamic risk areas. Use holistic case plan to track program recommendations and alter programming schedules to allow inmates to access multiple programs at once. Sequence programming so that criminal thinking problems are addressed early in the prison stay.

## 2. What programs should NDCS use?

**Goal:** Rely on programs with demonstrated impact on recidivism and/or a research-driven approach

### FINDINGS

NDCS misses opportunities to use non-clinical interventions to reduce recidivism and is not able to serve everyone who needs programs.

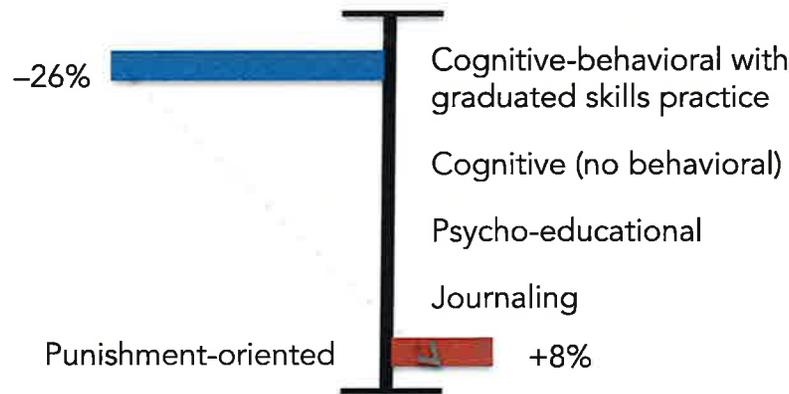
- ✓ Most NDCS core programs use nationally recognized, evidence-based curricula
- ✗ Staff depart from curricula and leave out graduated skills practice too often
- ✗ Participant groups are mixed by risk-level
- ✗ Programming is delivered slowly—only a few hours per week
- ✓ Very strong clinical staff deliver high-quality services, and there are programming levels of care to treat diverse levels of need
- ✓ NDCS is in the process of expanding programs to address criminal thinking
- ✗ Programs in the community do not adequately provide a continuum of services to address the needs of the parole population

# USE RESEARCH-DRIVEN CURRICULA TO TEACH NEW SKILLS

## BEST PRACTICE STANDARDS

1. The most effective programs at reducing recidivism use a cognitive-behavioral approach.<sup>11</sup>
2. Cognitive-behavioral programs include the demonstration of new skills and require participants to practice new skills to replace antisocial or maladaptive behaviors. This graduated skills practice is critical to behavior change.

Changes in Recidivism by Program Type<sup>12</sup>



## RECOMMENDATIONS

Continue to use existing research-based curricula and require graduated skills practice for core programs. Restrict modifications from being made to established curricula manuals. Add additional cognitive-behavioral program which targets criminal thinking and incorporates graduated skills practice.

## NEBRASKA FINDINGS

*Programs use leading evidence-based curricula but often go off script; NDCS needs more programming to address criminal thinking, the top dynamic risk factor for reoffending.*

- NDCS uses premier programs that rely on evidence-based practices

Curriculum	Target Area	Modality	Research Summary
Good Lives Model	Sex Offending	CBI	✓ Effective
Violence Reduction	Criminality / Violence	CBI	✓ Effective
New Directions	Substance Use	CBI	✓ Effective

- These programs have rigorous empirical support, but are frequently modified by staff, which nullifies research findings for the models. Graduated skills practice is frequently left out.
- The primary criminal thinking curricula at NDCS, Moral Reconciliation Therapy (MRT), lacks graduated skills practice, a core cognitive-behavioral component.
- In the past year, only 170 individuals have completed programming to address criminal thinking. Program capacity is expanding with 334 individuals actively attending group. An estimated 1,400 newly admitted individuals should receive cognitive-behavioral programming annually.\*

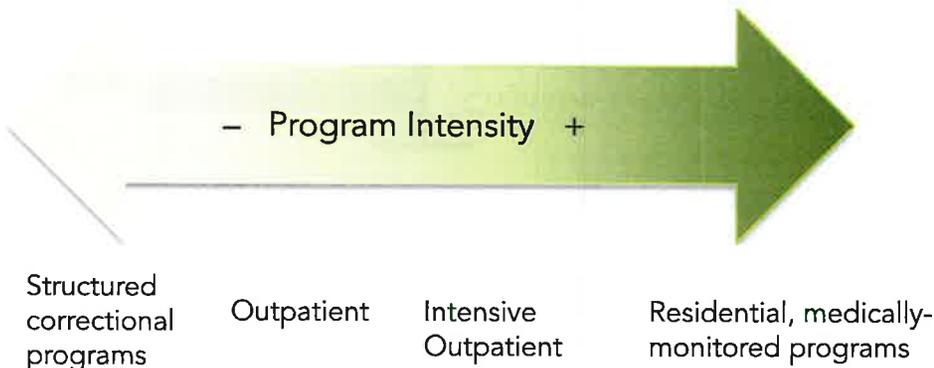
\*Estimation based on proportion of 2015 annual admissions expected to be high or moderate risk

# USE PROGRAMS RESPONSIVE TO DIVERSE NEED LEVELS

## BEST PRACTICE STANDARDS

1. High-need individuals should have more immediate and intensive programming with closer clinical oversight than others.<sup>13</sup>
2. Systems should offer a continuum of programs that include non-clinical and clinical interventions and cover outpatient, intensive outpatient, and residential programming.

### Continuum of Programming



## NEBRASKA FINDINGS

*NDCS should maintain various levels of clinical programming and expand the use of structured correctional programming that can be delivered by non-clinicians.*

- A vast majority of programming at NDCS is provided by those with clinical licensure, but these clinicians only spend a fraction of their time delivering programs. This resource-intensive approach greatly limits access to programming.
- NDCS programs administered by clinicians are stacked at the highest end levels of care with very little programming for individuals with various needs, like criminal thinking errors. This approach relies on hiring and retaining clinical staff, which is a constant barrier at NDCS.
- Individual programs do not adequately integrate interventions to meet the multiple needs of the highest-risk offenders.
- NDCS does not currently offer gender-responsive programming that addresses women's unique path to prison.

## RECOMMENDATIONS

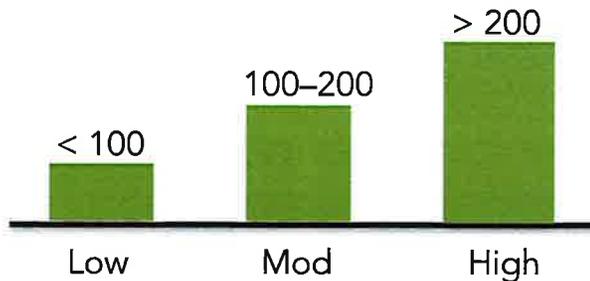
Expand non-clinical correctional programming delivered by trained paraprofessionals while keeping clinical programming levels intact. Increase the use of integrated treatment options that address multiple needs. Provide gender-responsive programming to incarcerated women.

# INCREASE PROGRAM INTENSITY AND SPEED OF PROGRAM DELIVERY

## BEST PRACTICE STANDARDS

1. Moderate-risk people require 100–200 hours of programming, and high-risk individuals require 200–300 hours of programming to impact recidivism, which can be done in prison or in the community.<sup>14</sup>

Program Dosage (in hours) by Risk Level



2. Programs that are provided in a milieu (e.g., a therapeutic community) should ensure that a majority of time is spent in structured therapeutic tasks aimed at reducing recidivism.<sup>15</sup>

## NEBRASKA FINDINGS

*Programs are delivered more slowly than recommended, and inmates may not be receiving an adequate dosage.*

- NDCS programming is delivered at a very slow speed, the groups often meeting only once a week but spread out over many months or years, which leaves ample room to streamline program delivery.



E.g., 16 hours of programming may take 16 weeks to deliver under the current model



NDCS could deliver the same dosage of programming more quickly (8 weeks)

- Without comprehensive case planning and program delivery tracking, it is not clear if people are receiving the recommended number of programming hours.

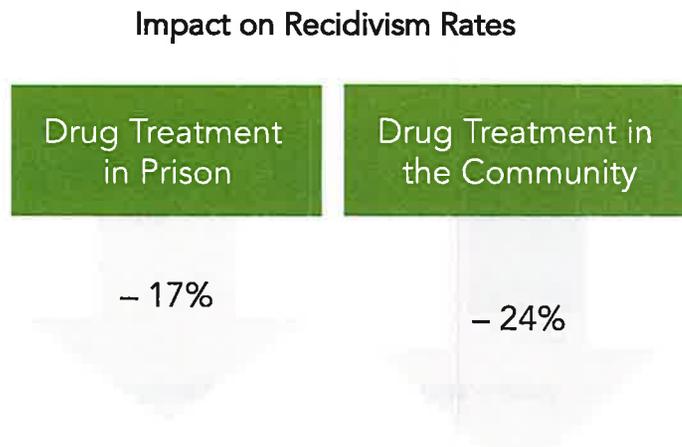
## RECOMMENDATIONS

Streamline program delivery to provide programs at a greater speed and ensure program completion ahead of an individual's parole eligibility date (PED) for individual's serving long sentences. **Individuals serving fewer than 6 months in prison** should be placed in programs that can begin within NDCS and completed in the community to meet recommended dosage hours. **Individuals serving 6-18 months in prison** should first be placed in programs they can complete while incarcerated, and then in programs they can complete in the community. **Individuals serving greater than 18 months in prison** should meet dosage thresholds with a combination of programs provided in advance of PED. Increase overall program capacity by using prison programming space after hours and on the weekends and re-allocating staff time to focus more on programming delivery.

# ESTABLISH A CONTINUUM OF SERVICES INTO THE COMMUNITY

## BEST PRACTICE STANDARDS

1. Programs are more effective at changing offender behavior when they are conducted in the community.<sup>16</sup> This allows people to build and keep protective factors in place that reduce the likelihood of recidivism. It also allows program participants to practice new skills in real-life situations.



2. Parole-eligible individuals should only be denied parole due to lack of program completion when a program is unavailable in the community or if the individual poses a public safety risk without it.<sup>17</sup>

## NEBRASKA FINDINGS

*Community programs do not adequately meet the needs of people reentering society after being in prison.*

- Currently, the Board of Parole is often forced to deny or delay parole to inmates due to long waitlists for prison programming and a lack of adequate options for programming in the community.
- Parolees have some access to services at Office of Probation Administration (OPA) reporting centers but more can be done to promote new contracts in the community and help providers work with the correctional population.
- Inmates are only accepted into NDCS programs that they can complete while incarcerated, even if the program model allows for entry into a community group for completion.
- Adult Parole Administration has limited funding to provide adequate substance use and criminal thinking programming.

## RECOMMENDATIONS

Coordinate prison and community-based programming for people who are on post-release supervision and parole. Allocate additional resources to provide programming to parolees in the community based on assessed risk and needs. Incentivize community providers to work with individuals under supervision and require providers to be trained in effective interventions for correctional populations.

### 3. How well are programs delivered?

**Goal:** Ensure programs are implemented with quality and fidelity and track outcomes

#### FINDINGS

NDCS needs to develop policies and procedures that ensure quality programming over time.

- ✓ Staff have a good rapport with program participants
- ✓ New facilitators of sex offender programs receive intensive on-the-job training and are observed delivering programming by supervisors
- ✗ Ongoing staff training is inadequate to sustain high-quality programs over time
- ✗ No structured quality assurance checks are in place
- ✗ Program delivery is inconsistent across facilities
- ✗ NDCS does not collect standardized data metrics across all programs

# MONITOR PROGRAMS TO ENSURE FIDELITY AND INCREASE PROGRAM EFFECTIVENESS

## BEST PRACTICE STANDARDS

1. Programs are more effective at reducing recidivism when they are run with fidelity to the program model. It is important to conduct ongoing observations to ensure continuing fidelity.<sup>18</sup>
2. Data should be collected and analyzed at the client, staff, programming, and agency level to provide an overall picture of how programming investments are impacting the system.<sup>19</sup>
3. Programs should undergo periodic evaluations using validated tools like the Correctional Program Assessment Inventory or the Correctional Program Checklist.<sup>20</sup>
4. Further, formal outcome evaluation studies should be conducted only when conditions exist that would make the results generalizable (i.e., there is stability in program model and consistency in delivery).<sup>21</sup>

## NEBRASKA FINDINGS

*NDCS currently lacks a quality assurance mechanism to monitor programming. Data collection is highly variable across programs, and there is no current ability to assess programs with a validated tool.*

- With few exceptions, program facilitators are not observed conducting groups and are not given feedback on fidelity to the established model, facilitation skills, or managing group dynamics.
- NDCS facilitators and supervisors are able to make modifications to curricula and/or treatment models, causing inconsistencies in the quality and content of programs across locations.
- NDCS data related to programming is largely collected at facility or unit level with inconsistent entry into agency data systems.

## RECOMMENDATIONS

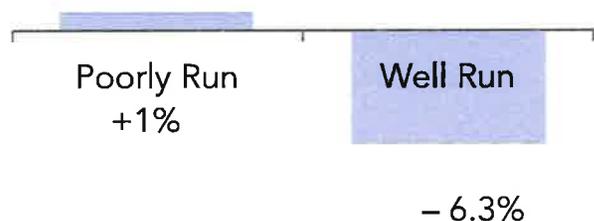
Create policies that require regular quality assurance checks to be done on all programs. Provide feedback to facilitators to enhance their skills. Develop a review process where in-house experts identify any modifications that need to be made to a program and ensure the changes are consistent with the research and are applied across all facilities. Train NDCS staff to conduct validated program assessment on all core risk-reducing programs at least once every 3 years. Standardize programming data elements in NDCS data systems and require all programs to document programming and quality assurance measures in a timely manner.

# ENHANCE STAFF SELECTION AND TRAINING FOR PROGRAM FACILITATORS

## BEST PRACTICE STANDARDS

1. Studies show that even evidence-based curricula can increase recidivism when facilitated poorly.
2. Initial staff training on curricula should be conducted by appropriately trained or licensed individuals as recommended by the program developer.
3. Ongoing training is necessary to provide high-quality programming. When facilitators receive annual training on evidence-based practices and service delivery for justice-involved individuals, outcomes are improved.<sup>22</sup>
4. Staff who have a minimum of an associate's degree in criminal justice or the social sciences produce better treatment effects.<sup>23</sup>
5. Facilitators who are committed to helping others, enthusiastic, respectful, empathetic, and engaging have a greater impact on reducing recidivism.<sup>24</sup>

Change in Recidivism by Quality of Facilitation of Cognitive-Behavioral Program<sup>25</sup>



## NEBRASKA FINDINGS

*NDCS does not have ongoing training for program facilitators, which impacts their ability to continually deliver high-quality programming.*

- Certain NDCS staff have been trained to facilitate specific curricula. However NDCS does not have in-house trainers or regular booster trainings to sustain efforts long-term.
- Program facilitators have many other responsibilities, like crisis management, so attention is often split many ways.
- NDCS has not set a minimum standard for program facilitator education or skill set, with the exception of programs requiring clinical licensure.
- NDCS does not routinely provide training on evidence-based practices. Many of the clinical staff are experts in a particular treatment model but not on best practices for justice-involved individuals generally.

## RECOMMENDATIONS

Dedicate some staff to solely facilitate programs. Identify additional staff who are interested and meet minimum educational qualifications in facilitating programming. Support staff skill development through initial and booster training efforts. Develop in-house trainers for core programs to sustain efforts and integrate agency trainers into job training, booster, and quality assurance efforts.

## 4. How does NE **take action** to improve programs?

**Goal:** Begin immediate implementation of recommendations to improve program effectiveness and reduce recidivism

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### Timeline

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In Progress	Implementing risk assessment, using trained paraprofessionals for some program facilitation, increasing staff training, and creating quality assurance measures
2017 Fiscal Year	Increase program capacity, streamline assessment and program recommendations, standardize curricula delivery, deploy quality assurance checks, and improve programming and fiscal data collection.
2018–2019 Fiscal Years	Modify program availability to meet population risk levels, sequence criminal thinking early in the prison stay, meet dosage thresholds, and use integrated treatment options. Coordinate prison and community-based programming and develop a robust system to regularly train staff and assess programs.

# FISCAL ANALYSIS

NDCS allocates\* approximately \$5.1 million per year toward core risk-reducing programming.†

NDCS tracks expenditures by each department without individual program costs broken out. For example, NDCS can track expenditures for the Chemical Dependency department, but isn't able to pinpoint funds spent on residential substance use treatment programs versus non-residential substance use treatment programs. Therefore, the CSG Justice Center was able to estimate programming costs within larger NDCS departments that provide core risk-reducing programs, but cannot determine per-program costs.

## Nebraska Core Risk-Reducing Categories Funding Allocation

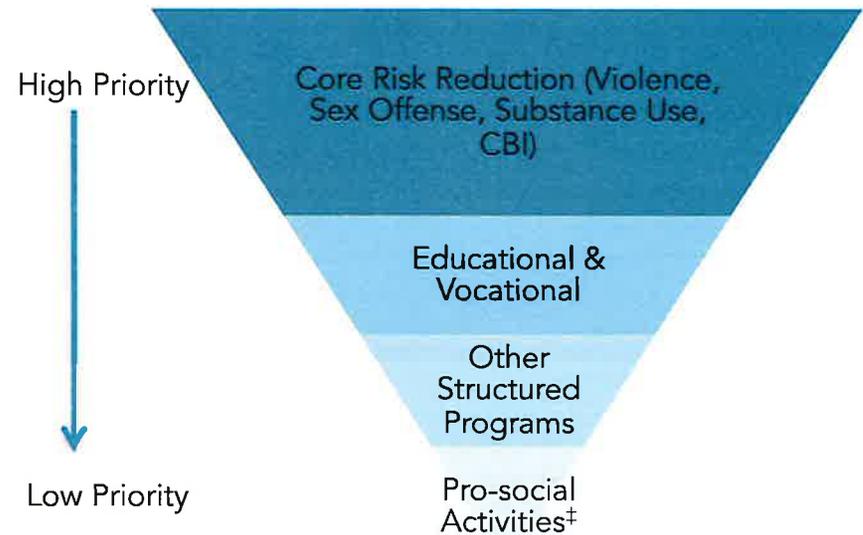
Substance Use	\$2,234,592
Mental Health (includes sex offender treatment and violence reduction programs)	\$2,839,833
Cognitive Behavioral (MRT)	\$86,701
<b>TOTAL</b>	<b>\$5,161,126</b>

\* Allocation may not reflect funds actually spent. Expenditures are expected to be lower due to staff openings.

† Cost estimates based on percentage of staff time estimated to go to programming.

‡ E.g., religious groups, recreation, self-help groups, etc. to supplement structured therapeutic hours

## Programs by Priority and Potential Investment



As a result of how NDCS tracks expenditures, the CSG Justice Center is unable to fully examine the average cost per individual receiving programming or the proportion of total programming funds allocated to core risk-reducing programs, such as residential substance use programming or sex offender treatment.

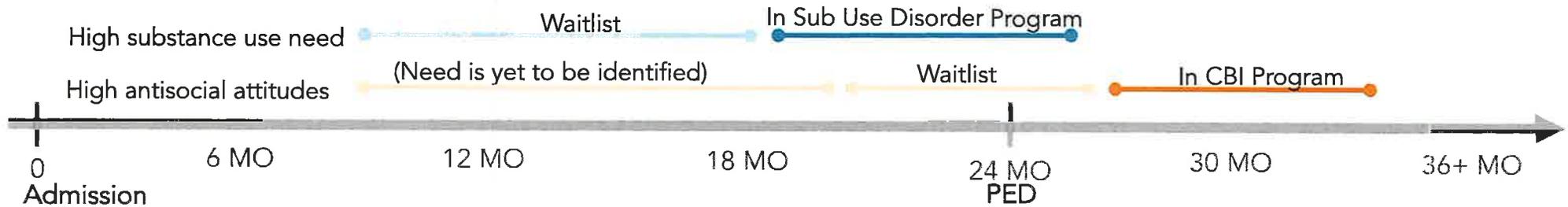
With more robust programming data, as recommended in the previous section, and better defined programming categories for fiscal tracking, in the future Nebraska can determine if it is investing appropriately in programs that reduce recidivism.

## RECOMMENDATIONS

Begin to track programming-related expenditures in separate fiscal categories. Fiscal data should be collected such that it allows disaggregation of costs attributable to staffing and costs for program materials. Ensure that ongoing allocations prioritize risk-reducing programs; increase funding for programming to address criminal thinking.

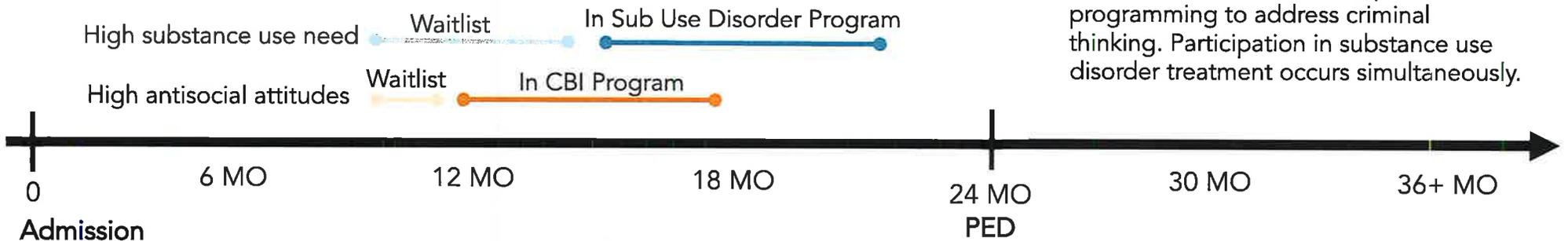
# A MORE IMPACTFUL PROGRAMMING MODEL

## Current System for Assessment and Referral



An improved system would target multiple criminogenic needs simultaneously.

## Proposed System for Assessment and Referral: Concurrent Programming



In this example, moderate and high-risk individuals are immediately placed into programming to address criminal thinking. Participation in substance use disorder treatment occurs simultaneously.

## Proposed System for Assessment and Referral: Criminal Thinking Programming as Central



In this example, programming to address criminal thinking serves as foundational programming and then programming to address specific needs, like violence or sex offending, are offered as needed. It is not likely that an individual will require all four programs listed here.

# IMMEDIATE NEXT STEPS TO TACKLE PROGRAMMING CHALLENGES

## Better leverage risk assessment information

During initial STRONG-R implementation, put policies and procedures in place to leverage existing information from the PSI. Use the STRONG-R to determine the full risk and needs profile of each individual, identify programming priorities, and serve as the trigger for additional clinical assessments.

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## Stop modifying evidence-based curricula delivery

Continue to use existing research-based curricula and restrict modifications from being made to it. Require graduated skills practice in core programming, rather than allowing it to be optional.

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## Increase program capacity

Begin implementing changes that would allow for use of programming space after hours and on weekends, shifting staff responsibilities to allow time for more direct services, and reorganizing program delivery so that it is faster.

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## Support program facilitation staff

Create a training plan for staff to improve their program facilitation skills and begin to provide regular feedback to facilitators on how they are doing. Identify non-clinical staff who are interested and meet minimum educational qualifications to facilitate programming.

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## Improve data collection

Standardize programming data collection measures in NDCS data systems and require all programming metrics to be accurately documented.

# LONGER-TERM **ACTIONS** TO REDUCE RECIDIVISM AND SUSTAIN PROGRAM IMPROVEMENTS

## Increase integrated treatment options

Modify program delivery to allow inmates to access multiple programs at once if needed. Offer programs at a higher intensity and sequence programs so that dosage thresholds can be met by a combination of programs in advance of the parole eligibility date.

## Optimize programming recommendations for varying sentence durations

Consider sentence length when identifying an individual's programming priorities. Individuals serving fewer than 6 months in prison should only enter programs they can continue in the community. Individuals who are medium or high risk and serving 6-18 months in prison should begin a cognitive behavioral intervention for criminal thinking as soon as possible. Individuals serving greater than 18 months in prison should be sequenced in programming in advance of PED.

## Shift programming staff & expand training

Increase use of trained paraprofessionals, who meet minimum educational requirements, in program delivery to free up clinical staff time. Develop in-house trainers for core programs to support staff skill development through initial and booster trainings.

## Ensure programs continue to operate with fidelity

Develop a quality assurance review process where in-house experts identify any modifications that need to be made to a program and ensure the changes are made consistently across the facilities. Conduct program assessments for all core risk-reducing programs, using a validated tool, at least once every three years.

## Build capacity to treat people returning to the community

Incentivize community-based providers to treat people leaving prison and promote training on effective interventions for criminal justice-involved populations. Coordinate prison and community-based programming by allowing inmates to start programs in prison and finish on post-release supervision or parole.

## EXPECTED IMPLEMENTATION RESULTS AFTER THREE YEARS

✓ Every high-risk individual will have access to risk-reducing programs to address multiple criminogenic needs by PED. Program assignment decisions will take into account sentence length to better serve individuals with varying amounts of time in prison.

✓ 100% of people will receive general criminogenic risk assessment upon admission to NDCS.

✓ There will be a continuum of services from facilities to the community, so people can have **continuity of care** upon release delivered by providers trained to serve the correctional population.

✓ High-risk people will receive programming to address criminal thinking at the **beginning** of their sentence to reduce their risk and assist with behavior management.

✓ Routine cases will be given initial programming recommendations without clinical review. Clinical review teams will only assess the highest need and most complex cases, freeing up clinical staff time for therapeutic tasks.

✓ Core programs will serve individuals based on their risk level, giving priority to those who have a higher risk. Low-risk people will be directed to community-based opportunities.

✓ Core risk-reducing programs will be delivered more quickly to shorten completion time and increase capacity. By using trained paraprofessionals, clinical staff time will be reserved for the most intensive programs that serve the highest risk individuals.

✓ NDCS will have the capacity to train staff **annually** in program facilitation and evidence-based practices so programs are delivered consistently over time.

✓ Robust data collection measures and quality assurance checks will track how programs are being used and help evaluate program effectiveness.

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